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HISTORICAL MEMOIRS
OF THE
ENGLISH, IRISH, AND SCOTTISH
CATHOLICS,

SINCE THE REFORMATION;

WITH
A SUCCINCT ACCOUNT OF THE PRINCIPAL EVENTS IN THE
ECCLESIASTICAL HISTORY OF THIS COUNTRY
ANTECEDENT TO THAT PERIOD,
AND IN THE HISTORIES OF THE ESTABLISHED CHURCH,
AND THE DISSENTING AND EVANGELICAL CONGREGATIONS;
AND SOME
HISTORICAL MINUTES RESPECTING THE TEMPORAL POWER
OF THE POPES; THE SEPARATISTS FROM THE CHURCH
OF ROME BEFORE THE REFORMATION; THE SOCIETY
OF JESUS; AND THE GUELPHIC FAMILY.

By CHARLES BUTLER, Esq.
OF LINCOLN'S-INN.

ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΤ.

IN FOUR VOLUMES:
VOL. I.

THIRD EDITION, *1st ed. 1819-2-*

CORRECTED, REVISED, AND CONSIDERABLY AUGMENTED.

LONDON:
JOHN MURRAY, ALBEMARLE-STREET.

1822.

Quare quis tandem me reprehendat, si quantum cæteris ad festos dies ludorū celebrandes, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis : quantum alii tempestivis conviviis, quantum aleæ, quantum pilæ, tantum mihi egomet, ad hæc studia recolenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

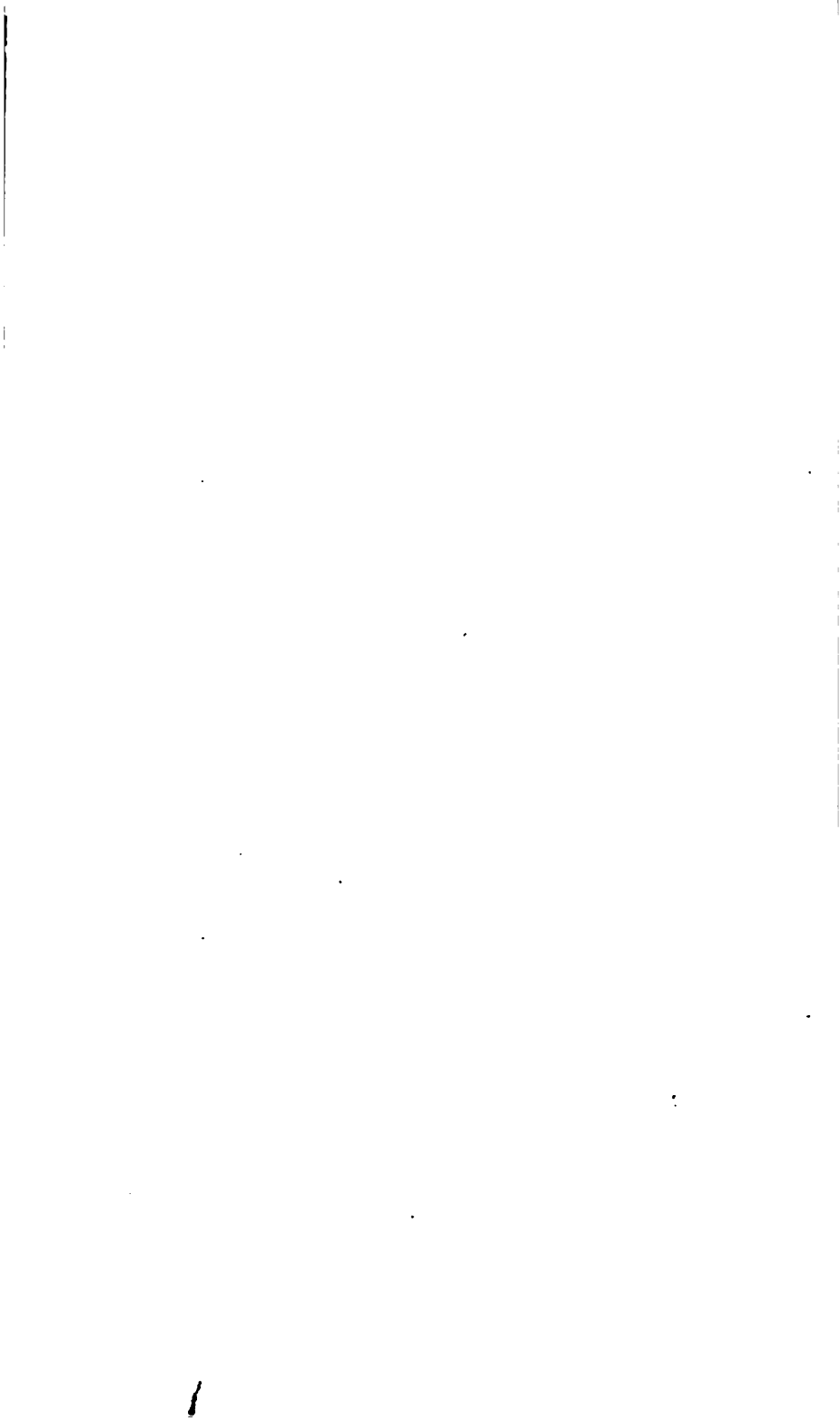
D'AGUESSEAU.

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TO
THE MOST NOBLE
BERNARD EDWARD
DUKE OF NORFOLK;
HEREDITARY EARL MARESCHAL OF ENGLAND:
&c. &c. &c.

THIS WORK
IS,
WITH THE PERMISSION OF HIS GRACE,
MOST RESPECTFULLY DEDICATED,





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ERRATA.

Page 8, in the second line of the Note, for true read two.

311, dele the reference to Appendix III.

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HISTORICAL MEMOIRS
OF THE
ENGLISH CATHOLICS,
&c.
SINCE THE
REFORMATION.

CHAP. I.

THE ANGLO-SAXON CHURCH.

526—1066.

ON the pleasing theme of the venerable Anglo-Saxon church, the writer will say little more, than invite his reader to an attentive perusal of Mr. Lingard's "*Antiquities of the Anglo-Saxon Church*," those parts of his "*History of Great Britain*," which relate to that period of the history of the English church, accompanying it, as the subject leads, with the valuable historical publications of doctor Henry and Mr. Sharon Turner. The readers of these works probably will agree with the writer in thinking, that, except in the accounts, which have been given of the lives and manners of the first christians, the religion of the gospel has

never appeared more amiable, than in the account of the early Saxon era of christianity. " St. Augustine and his companions," says Mr. Fletcher in his sermon on the holiness of the catholic church, " preached and acted, as once did the " first envoys of Jesus Christ.—They gained proselytes by the eloquence of truth, assisted by the " eloquence of meekness, humility and piety, and " verified, in the whole series of their conduct, that " pleasing sentence of the prophet, how beautiful " on the hills are the footsteps of those, who bring " glad tidings! Neither were the exertions of their " charity unattended with the approbation of " heaven. Not only contemporary historians attest, but several protestants allow, that God " rewarded them with the gifts of miracles." " Their king," says the martyrologist Fox, " considered " the honest conversation of their lives, and was " moved by the miracles wrought, through God's " hand, by them*." After noticing the difficulties, which St. Augustine and his companions encountered, Fox, as cited by the same author, observes, that " Notwithstanding their seeming " impossibilities, they were followed with surprising success. The sanctity of their lives, and " the force of their miracles, broke through the " difficulties of their enterprize."—The fruits and " effects of their mission were striking. A people, " hitherto savage, barbarous and immoral, was " changed into a nation, mild, benevolent, humane

* Acts and Monuments, Coll. 2. Collier's preface to his Ecclesiastical History.

“and holy.”—“Every thing,” says Collier, “brightened, as if nature had been melted down and re-coined.”

Such was the happy state of religion and manners in England, when it was invaded by the Danes. Those ferocious conquerors spread devastation over the whole kingdom, and laid waste almost every part of its territory. A necessary consequence of this calamity was, that the pastor and the flock were often separated; and that, if they did meet again, it generally was not until a considerable lapse of time. Meanwhile, every form of instruction, civil or religious, was interrupted; and the interruption naturally gave rise to error and superstition.

It may be added, that the same scenes must have been renewed during the convulsions, which followed the Norman conquest; particularly in the period between the death of the conqueror and the accession of the first Henry; and in the long years of havoc, which urged their destined way* during the contests between the houses of York and Lancaster. That, in these times, some superstition should prevail, is not surprising: but it bore no proportion to the true spirit of religion, with which the nation still continued to abound. What gospel truth did not the ministers of the church then inculcate?—What disorder did they not then condemn?—What crime did they not then reprobate?—What excess did they not then censure?—What passion did they not then endeavour to restrain?—

* Grey's Ode, intituled, “The Bard.”

They taught every virtue, they encouraged every perfection : in no age, has the love of God, or charity for man, been more warmly recommended. But, did no superstition then exist ? Unhappily it did : yet surely, where there was so much instruction, superstition could not predominate.

CHAP. II.

THE SETTLEMENT OF THE ENGLISH CHURCH AT THE NORMAN CONQUEST.

1066.

ACCORDING to the doctrine of the roman-catholics, St. Peter and his successors in the supremacy, and the bishops and their successors in the episcopacy, alone enjoy, by divine institution, a superiority of rank in the priesthood : all other gradations in it are of ecclesiastical creation and arrangement.

II. 1.

The Pope.

1. Over all, **THE POPE**, as the vicar of Christ on earth, and the successor of St. Peter, holds a lofty pre-eminence.

As much is unavoidably said, in many pages of each volume of this work, respecting papal power, the following exposition of the doctrine of roman-catholics upon this subject, is here inserted, from the author's *Historical Memoirs of the Church of France, during the Reigns of Louis XIV. XV. XVI, and during the Revolution.* An exposition

of the principal circumstances which are considered to prove the right of the pope to the spiritual supremacy here assigned to him, is inserted in the Appendix, Note I.

(I.)—*Universal Doctrine of the Roman-catholics, respecting the Supremacy of the Pope.*

It is an article of the roman-catholic faith, that the pope has, by divine right, 1st, a supremacy of rank; 2dly, a supremacy of jurisdiction, in the spiritual concerns of the roman-catholic church; and, 3dly, the principal authority in defining articles of faith.—In consequence of these prerogatives, the pope holds a rank, splendidly pre-eminent, over the highest dignitaries of the church; has a right to convene councils, and preside over them, by himself or his legates, and to confirm the elections of bishops. Every ecclesiastical cause may be brought to him, as the last resort, by appeal; he may promulgate definitions and formularies of faith to the universal church; and, when the general body, or a great majority of her prelates, have assented to them, either by formal consent, or tacit assent, all are bound to acquiesce in them: "Rome," they say, in such a case, "has spoken, and the cause is determined." To the pope, in the opinion of all roman-catholics, belongs also a general superintendence of the concerns of the church; a right, when the canons provide no line of action, to direct the proceedings; and, in extraordinary cases, to act in opposition to the canons.—In those spiritual concerns, in which, by strict

right, his authority is not definitive, he is entitled to the highest respect and deference. Thus far, there is no difference of opinion among roman-catholics ; but here, they divaricate into the Transalpine and Cisalpine opinions.

(II.)—*Difference between Transalpine and Cisalpine Doctrines, on the Temporal and Spiritual Power of the Pope.*

THE great difference between the transalpine and cisalpine divines, on the power of the pope, formerly was, that the transalpine divines attributed to the pope a divine right to the exercise, indirect at least, of temporal power, for effecting a spiritual good ; and, in consequence of it, held that the supreme power of every state was so far subject to the pope, that, when he deemed that the bad conduct of the sovereign rendered it essential to the good of the church, that he should reign no longer, the pope was authorized, by his divine commission, to deprive him of his sovereignty, and absolve his subjects from their obligation of allegiance ; and that, even on ordinary occasions, the pope might enforce obedience to his spiritual legislation and jurisdiction, by civil penalties.—On the other hand, the cisalpine divines affirmed, that the pope had no right either to interfere in temporal concerns, or to enforce obedience to his spiritual legislation or jurisdiction, by temporal power ; and consequently had no right to deprive a sovereign of his sovereignty, to absolve his subjects from their allegiance, or to enforce his spiritual authority over

either, by civil penalties. — This difference of opinion exists now no longer, the *transalpine* divines having insensibly adopted, on this subject, the *cisalpine* opinions.

But, though on this important point, both parties are at last agreed, they still differ on others.

In spiritual concerns, the *transalpine* opinions ascribe to the pope a superiority, and controlling power over the whole church, should she oppose his decrees, and consequently over a general council, its representative; and the same superiority and controlling power, even in the ordinary course of business, over the canons of the universal church. They describe the pope, as the fountain of all ecclesiastical order, jurisdiction and dignity. They assign to him, the power of judging all persons in spiritual concerns; of calling all spiritual causes to his cognizance; of constituting, suspending and deposing bishops; of conferring all ecclesiastical dignities and benefices, in or out of his dominions, by paramount authority; of exempting individuals or communities from the jurisdiction of their prelates; of evoking to himself, or to judges appointed by him, any cause actually pending in an ecclesiastical court; and of receiving, immediately, appeals from all sentences of ecclesiastical courts, though they be inferior courts, from which there is a regular appeal to an intermediate superior court. They farther ascribe to the pope, the extraordinary prerogative of personal infallibility, when he undertakes to issue a solemn decision on any point of faith.

The *cisalpines* affirm, that in spirituals, the pope is subject, in doctrine and discipline, to the church, and to a general council representing her; that he is subject to the canons of the church, and cannot, except in an extreme case, dispense with them; that, even in such a case, his dispensation is subject to the judgment of the church; that the bishops derive their jurisdiction from God himself, immediately, and not derivatively through the pope; that he has no right to confer bishoprics, or others spiritual benefices of any kind, the patronage of which, by common right, prescription, concordat, or any other general rule of the church, is vested in another. They admit, that an appeal lies to the pope from the sentence of the metropolitan; but assert, that no appeal lies to the pope, and that he can evoke no cause to himself, during the intermediate process. They affirm, that a general council may, without, and even against the pope's consent, reform the church.—They deny his personal infallibility, and hold, that he may be deposed by the church, or a general council, for heresy or schism: and they admit, that in an extreme case*, where there is a great division of opinion, an appeal lies from the pope to a future general council. The

* Instances of which, are, according to the account of Bossuet, so very rare, that it is scarcely possible to find true examples of such an extreme case in the course of several ages. “Ce qu'il y a de principal, c'est, que les cas, auxquelles la France soutient le recours du pape au concile, sont si rares, qu'à peine on peut en trouver de vrais exemples en plusieurs siècles.”—*Lettre du Bossuet au Cardinal d'Estrées. Œuvres de Bossuet, vol. ix. p. 272, ed. Ben.*

reader will be informed in a subsequent part of the work, that certain questions on the power of the pope in temporal concerns were sent by the desire of Mr. Pitt, to several foreign universities for their opinions upon them. We shall transcribe, in the Appendix*, these questions and the answers given to them by the universities: the reader will thus have the whole subject before him.

II. 2.

Patriarchs, Primates, Archbishops, Bishops, and Papal Legates.

1. THE PATRIARCHS stand nearest to the chair of St. Peter. Before the seat of the Roman empire was transferred to Constantinople, the church had the three patriarchs of Rome, Antioch and Alexandria. Three dioceses were independent of them, and subject, each to its primate: that of Asia, to the primate of Ephesus; that of Thrace, to the primate of Heraclea; and that of Pontus, to the primate of Cesarea. After the translation of the seat of empire to Constantinople, the bishops of that city rose to importance: by degrees they acquired ecclesiastical jurisdiction over Thrace, Asia and Pontus, and were elevated to the rank of patriarchs. The same rank was afterwards conferred on the bishop of Jerusalem. In the course of time, the patriarch of Constantinople raised himself above the other oriental prelates, and finally assumed the title of oecumenical or universal patriarch. The popes opposed this attempt and preserved their

* Appendix, Note II.

rank, so that, as Mr. Gibbon* justly observes, “till the great division of the church, the Roman bishop had ever been respected by the orientals, as the first of the five patriarchs.”

After the separation of the Greek from the Latin church, the four oriental patriarchates ceased to exist: they are now represented by four churches in Rome; the patriarchate of Constantinople, by the church of St. Peter in the Vatican; the patriarchate of Alexandria, by the church of St. Paul; the patriarchate of Antioch, by the church of St. Mary the greater; and the patriarchate of Jerusalem by the church of St. Laurence. The pope continues patriarch of the west, and his patriarchate is represented by the church of St. John Lateran†. Subsequent to these, are the much more modern patriarchates of Vienna, Lisbon, the Indies, Cilicia and Armenia, Grado, since transferred to Venice, and Aquileia; but the actual existence of the last is, at best, very doubtful.

Patriarchates in the church are analogous to dioceses in the Roman empire: the governor of a diocese had temporal jurisdiction over several provinces; a patriarch has ecclesiastical jurisdiction over several sees.

2. PRIMATES were unknown in the empire of the east: they emanated, in the western empire, from the pope, and were supposed to possess some

* History of the Decline and Fall of the Roman Empire, by Edward Gibbon, esq. vol. 6, quarto, p. 400.

† See Onuphrius de Episcopatibus, Titulis et Diaconis Cardinalium.

part of his patriarchal jurisdiction ; but the rank has long been merely honorary.

3. In the same manner, as in the Roman empire, the metropolitan city of a province had precedence over all the other cities within its territory, the prelate of that city had a certain precedence of rank and spiritual jurisdiction over the prelates of the other sees ; and was indifferently called **METROPOLITAN** or **ARCHBISHOP**.

4. The **BISHOPS**, over whom his jurisdiction extends, were called his *suffragans*.

5. It remains to mention the **PAPAL LEGATES** or **ENVOYS**. To these, the pope delegated a portion of his authority, to be exercised within a certain district. In modern times they are generally called *nuncios*, when they are sent to a prince or state of the first order ; and *internuncios*, when they are sent to an inferior state. This rank was often permanently attached to a particular see : they were then said to be legates born of the holy see.

At the time, of which we are speaking, all this gradation of rank was established in England ; her church acknowledged the universal supremacy of the pope, as successor of St. Peter, and his particular jurisdiction, as patriarch of the western division of the Roman empire : the archbishop of Canterbury was the primate ; the provinces of Canterbury and York were under the metropolitan jurisdiction of their respective archbishops ; and each had his suffragan bishops ; a papal nunciature was attached to the see of Canterbury.

The Norman conqueror made no alteration in

this arrangement ; but he effected one, in the administration of the ecclesiastical law, which was followed, almost immediately, by the most important consequences.

Though the Saxon prelates had not distinct courts, it is certain that both the theory and practice of ecclesiastical jurisprudence were known in the Saxon church : the episcopal sentences were usually pronounced from the altar, and the aid of the secular arm was often called to enforce them, against the contumacious.

The recourse to it was easy, as the bishops and the sheriffs sate in the court, and thus, each might come instantaneously to the aid of the other.

In 1086, the conqueror withdrew the concerns of the church from the cognizance of the sheriff's court, by a charter which is expressed to have been made by the advice of his ordinary council, and the advice also of the archbishops, bishops and princes of the realm*. It enacted, that no bishop or arch-deacon should hold pleas in the hundred concerning ecclesiastical matters ; and that no cause, relating to the discipline or government of the church, should be brought before the secular magistrate : but that every person, who was accused of a breach of the canons, should appear at a place to be appointed by the bishop, and that the process should be conducted

* " An Ecclesiastical History of Great Britain, chiefly of England, from the first planting of Christianity to the end of the reign of Charles II, with a brief account of affairs in Ireland, collected from the best ancient historians, councils and records, 2 vols. fo. 1708. By Jeremy Collier, D. D." See vol. i. p. 255. Coll. vi.

and sentence given, according to the ecclesiastical constitutions. If the party should refuse to appear after three summonses, he was to be excommunicated; and, if he should still continue obstinate, resort was to be had to the secular power, and the sheriff was to enforce his submission by the posse of the county.

William probably did not foresee all the consequences of this regulation: the bishops soon established a system of ecclesiastical jurisprudence on the principles and practice of the canon law, and a regular system of judicial process, ascending successively from the lowest court, to the court of the bishop, the court of the archbishop and the court of the roman see; but the pope might hear any cause in the first instance, or call it to him while it was pending in an intermediate court. Thus the separation of the ecclesiastical and civil tribunals originated in this country: it has continued uninterruptedly to the present time.

CHAP. III.

INVESTITURES:—ST. ANSELM.

1100.

THE disputes between the popes and the sovereigns of Europe respecting the investiture of ecclesiastical benefices appear frequently in the histories of the twelfth and thirteenth centuries.

According to the law of tenure, no person was

considered to be the lawful, or even the actual possessor of the tenement, till he had done homage for it, and taken the oath of fealty to the lord, of whom he held it, and till he had been invested with it by the hand of the lord. It was usually delivered to him by the lord's presenting him with a bough, or a piece of turf, or some other symbol of the property. On the receipt of the symbol, he was said to be invested with the tenure, and he then became complete tenant to the lord.

When a bishop died, his ring and crosier were transmitted to the prince, within whose jurisdiction his diocese was situate. On the appointment of his successor, the prince presented them to him, as a symbolical delivery of the temporal possessions of the see: the bishop placed them in the hands of the metropolitan, and received them back from him as a symbol of the spiritual right, conferred on him by his consecration.

It is evident that, though the delivery of the ring and crosier by the emperor to the bishop elect, was principally intended as a symbolic delivery of the tenement, or temporal possessions of the see, it operated, indirectly as a kind of co-ordinate appointment to the see, and a kind of veto on any appointment, which it did not accompany. Besides, it too often happened that princes sold, or otherwise corruptly disposed of the bishoprics, or kept them vacant*. In all these oppressions, they were

* It appears from the records of the Exchequer, that Henry the first had in his hands in the 16th year of his reign, one archbishopric, five bishoprics and three abbies; in the 19th,

assisted by the right which they claimed of withholding the ring and crosier.

In this ceremonial, three things gave particular offence to the Roman pontiffs : they considered the ceremony to be spiritual, which it was therefore a sacrilege in a layman to perform ; but the spirituality of the ceremony, it was difficult to prove : they said it virtually deprived the clergy of their right of election ; the prince alleged in answer, that he represented the whole body of the people, by whom the right of election was primitively exercised : it was also said, and certainly with reason, that the practice facilitated the simoniacal traffic of benefices : but this was rather a proof of the abuse of the ceremony, than an objection to the ceremony itself. It is possible that, if some person of weight had brought the popes and princes to a clear understanding of the rights respectively claimed by them, these disputes might have been settled to their mutual satisfaction, either by substituting some ceremonial agreeable to both parties, or making the sovereign declare what he considered the ceremonial then in use to import, and to disavow the opposite construction. Instead of this, the dispute involved the state and church, for more than two centuries, in the deepest calamities and most complicated scenes of confusion and distress.

one archbishopric, five bishoprics and six abbies ; and in the 31st, one archbishopric, six bishoprics and seven abbies.—*History of England from the first invasion by the Romans to the accession of Henry VIII.* By the rev. John Lingard, in 3 vols. 4to. vol. ii. p. 65. He cites Madox, 209, 212.

At the council of Clermont in France, investitures were prohibited. As soon as Henry the first succeeded to the crown, he required St. Anselm, the archbishop of Canterbury, and all the other prelates to be reinvested in their possessions and to do him homage for them; this was refused by the archbishops and many of the prelates: but the disputes were compromised by an arrangement, in 1106, between pope Paschal and Henry the first, which provided, that the king should give investiture of the temporalities by the sceptre, and that the bishop should do him homage. This seems to have settled the controversy to the satisfaction of both parties. While it lasted, St. Anselm was a warm and powerful advocate of the cause of the English clergy: his piety, integrity, talents and learning cannot be denied. "It is observable*," says Mosheim, "that Anselm was the inventor of that famous argument, vulgarly and erroneously attributed to Descartes, which demonstrates the

* "An Ecclesiastical History, ancient and modern, from the birth of Christ to the beginning of the present century, in which the rise, progress and variation of church power are considered in their connexion with the state of literature and philosophy, and the political history of Europe, during that period. By the late John Lawrence Mosheim, D. D. and chancellor of the university of Gottingen. Translated from the original Latin, and accompanied with notes and chronological tables, by Archibald Maclaine, D. D. To the whole is added an accurate index. A new edition in 1774, 5 vols. 8vo." (see vol. ii. p. 254.) An edition of this work was published in 1810 in six volumes. Few histories possess greater erudition or method, or are written in a more pleasing manner.

“existence of God, from the idea of an infinitely perfect being, naturally implanted in the mind of man; and which is to be found, without exception, in the breast of every mortal. The solidity of this argument, was indeed called in question by Gannito, a French monk: but his objections were refuted by Anselm, in a treatise, professedly written for that purpose.”

CHAP. IV.

ECCLESIASTICAL IMMUNITIES:—

ST. THOMAS A BECKET.

1160.

THIS contest may be properly divided into two stages; that, which preceded, and that, which followed the constitutions of Clarendon.

1. Throughout the first, the principal question was, whether by divine law, or the actual constitution of England, clerks guilty of felony, or any other crime against the king, were triable by the temporal courts. It was admitted that, in all questions arising on the validity of their orders, the integrity of their faith, or the mismanagement of their functions, they were only triable by the spiritual courts.

The general opinion among the clergy, and the prevailing opinion among the laity was, that no crime of the clergy was cognizable by the temporal courts. The canonists contended, that the clergy were entitled to this prerogative by divine right;

but its advocates in this country also alleged, that their claim was allowed by the established laws and usages of the realm. It was evidently a question of great moment, as every individual, who had received the tonsure, whether he was afterwards admitted into holy orders or not, was held to be entitled to the clerical privileges.

No person now contends that the clergy are entitled to this exemption, by the divine law. It seems to the writer, that the imperial or civil law did not confer it on them*: whether it was allowed them by the ancient law of England, is a more difficult question. The better opinion seems to be, that treasons of clergymen, not against the person of the king, such as those, which have since been called *petit treason*, were cognizable only in the ecclesiastical courts; but that treasons against the person of the king, since called *high treasons*, were subject to the cognizance of the temporal courts †.

* “*Jus Ecclesiasticum Universum, antiquæ et recentiori disciplinæ, præsertim Belgii, Galliæ, Germaniæ, et vicinarum provinciarum accommodatum, auctore Zegero Bernardo Van Espen, J. U. D. Canon. Professore in Academiâ Lovaniense, fol. 1753, vol. ii. p. 203. De jurisdictione criminali*”—a work of extraordinary merit, and the only elementary treatise of jurisprudence, seen by the writer, which, in his opinion, can be put into competition with Mr. Justice Blackstone’s Commentaries: it is written with equal elegance, order and philosophy, and perhaps with greater precision, and a more profound and extensive knowledge of the subject, particularly of forensic proceedings and forensic instruments.

† See “the History of the English Law from the time of the Saxons to the end of the reign of Philip and Mary, by

In the celebrated dispute between the king and St. Thomas à Becket archbishop of Canterbury, the case was, in some respects, narrowed. The king contended, that clerks, guilty of felony, should be first degraded, by the ordinary, and then put into the hands of the magistrate to be tried in the king's courts. The archbishop insisted, that, for the first crime the clerk should be tried in the bishop's court; and that, if he were convicted, he should be degraded and punished by spiritual inflictions, either with or without fine, imprisonment, or flagellation at the will of the court: but the archbishop admitted that a degraded clerk forfeited the protection of the ecclesiastical law; so that if, after his degradation, he were guilty of felony, he might be prosecuted in the king's courts.

The king being determined to enforce his claim, summoned all the prelates of England to Westminster, and required from them an acknowledgment, that "the clergy should, in future, be triable for felonies in his courts of justice." They hesitated: he then asked, whether they would promise to abide by the ancient law of the realm. The archbishop, speaking for himself and for the other prelates present, replied, that "they were willing to be bound by the ancient laws of the kingdom, so far as the honour of God and the church, and the privileges of their order per-

"John Reeves, esq. barrister at law, in four volumes 8vo. 2d edit. vol. ii. p. 464;"—a valuable work. The opinion mentioned in the text appears to the writer to be confirmed by the statute of the 25 Edw. III, de Clero.

“mitted.” It is observable that this saving was allowed in the oath of fealty, taken by the bishops. The king required its omission; the archbishop insisted on its retention: at first, the other bishops adhered to their primate; but the king brought them over to him, and, after much solicitation, finally prevailed on the archbishop to acquiesce.

To bind them to their promise, the king summoned a convention of the lords spiritual and temporal, at Clarendon, near Salisbury. When they met, he called on the prelates to perform their promise: the archbishop, who feared that he had gone too far in his former concessions, still expressed a wish that the saving clause should be retained; but finding, that his suggestion offended the king, and displeased his brethren, he afterwards promised, on the word of truth, to observe the customs, yet required them to be defined. A committee to ascertain and report them was immediately appointed; and after some consultation exhibited them in sixteen articles, called by the historians of the time, “the Constitutions of Clarendon.”

By one article, the custody and revenues of the temporalities of every archbishopric, bishopric, abbey and priory of royal foundation, during its vacancy, were declared to belong to the king. This was an absolute innovation: the custody and revenues of ecclesiastical benefices, during their vacancy, were first usurped by William Rufus; but his successors, including Henry himself, though they frequently seized and retained them, uniformly disclaimed a right to them.

By another article, it was provided, that civil and criminal suits, though each or either party were a clergyman, should commence in the royal courts; that the justices in them should decide, whether they ought to be determined there, or in the ecclesiastical courts; that, in the latter case, a civil officer should attend the trial, and report the proceedings; and that, if the clerk were convicted, he should forfeit the privilege of his character and receive judgment accordingly.—This was the great point in dispute between the king and the archbishop; the latter contended that this arrangement was contrary both to the divine and the national law.

Another article declared, that no person, who held lands, immediately of the king or of his barons, should be excommunicated, without the leave of the king, or, in his absence, of his justiciary. Former monarchs, the conqueror in particular, had often insisted on this exemption for their vassals; but it had never been recognized by the clergy, or established by any legal provision; it could not therefore be a custom of the land.

Much might be said to support, as a custom, a subsequent article, which provided, that no clergyman should leave the country, without the licence of the king: but an article followed, which directed that appeals should proceed regularly, from the archdeacon to the bishop; from the bishop to the archbishop; and that, if the archbishop was defective in doing justice, recourse should be had to the king; by whose precept it was to be referred back

to the court of the archbishop, and there finally terminated, without an ulterior appeal. This evidently excluded appeals to the pope, which, at the time of which we are speaking, certainly made a part of the national law. The other articles were of less importance*.

There are two points of view, in which the constitutions of Clarendon may be considered; one, as a mere exposition of ancient customs; the other, as an exposition, recognized by a declaratory enactment, which gave the exposition, whether accurate or not, the force of law. In either light, as the archbishop had only promised to observe the ancient customs, and most if not all of those stated in the constitutions were not its ancient customs, his refusal to subscribe them, was not, as it has been frequently charged on him, a breach of promise. It is equally clear, that, if the constitutions are to be considered merely as an exposition of the ancient customs, they were no further binding than as these were truly represented and expressed by them; and then, so far as they were untruly represented, the ancient customs remained in force, and the archbishop was their just and honourable champion. —Now, that they were untruly represented every candid reader must allow.

The strongest case, which can be urged against

* The articles may be seen at length in Latin in Matthew Paris, p. 106, and in Gervas of Canterbury, 1386. They are printed in English in Collier's Ecclesiastical History, vol. i. p. 351; and the History of the life of king Henry II, and of the age in which he lived, in five books, by lord Lyttleton—book iii.

the archbishop, must be made, by shewing that the constitutions, whether they represented the customs truly or untruly, necessarily became, in consequence of the solemn recognition of them by the great legislative assembly at Clarendon, a part of the national code, and had the force of law. This would reduce the advocates of the archbishop to the necessity of shewing, that the constitutions deprived the church of something, which she possesses by divine right, and of which she could not, or at least did not, lawfully divest herself at Clarendon. It appears from the preceding part of the present chapter, that this might be easily shewn.

The archbishop persisting in his refusal, the king determined that he should feel the whole weight of his indignation. He made many large pecuniary demands on the archbishop, and finally required from him a sum of 44,000 marks, as the balance due from him to the crown, for the revenues of vacant bishoprics and abbeys, which had come into his hands, during his chancellorship. The prelate pleaded, that, at his consecration, both prince Henry and the justiciary had released him, by the king's command, from all such claims. This, the staleness of the claim, and the circumstances, under which it was made, render very probable. On the following day, the archbishop proceeded to court : the king, on the appearance of the prelate, retired to an inner apartment, and the other prelates followed him ; so that the archbishop was left alone. But, before long, several of the bishops came out to him, and Henry of Chichester, speaking in their

name, said to him, " You were our primate, and
" we were bound to obey you ; but, because you
" have sworn fealty to our lord the king, that is,
" to save his life, members and terrene honour, and
" to observe the customs, which he now requires,
" and you have endeavoured to destroy them, par-
" ticularly in those instances, in which they regard
" his worldly dignity and honour. we pronounce
" you guilty of perjury ; and we shall not in future
" hold it our duty to obey you. Therefore, placing
" ourselves and what is ours, under the protection
" of our lord the pope, we summon you before
" him."—" I hear,"—said the archbishop.

The bishops then withdrew, and sat, in profound silence, on an opposite bench. At length, the earls and barons and a multitude of other persons advanced from the apartment, in which they had been assembled with the king, and proceeded towards the archbishop. The earl of Leicester, at their head; told him, that " the king ordered him to give
" his answer on the points, which were now ob-
" jected to him, as he had promised, on the day
" before, otherwise to hear the judgment on him."
" My son," said the archbishop, " do you first hear
" your judge. It is not unknown to you, my son,
" how intimate I was with the king; or with what
" fidelity I served him. By his favour and will, I
" was promoted to the archbishopric of Canterbury:
" God knows that it was against my will: my
" weakness was known to me, and I acquiesced,
" rather from the love which I bore to the king,
" than from my love of God. Be that as it may,

“ at the time of my promotion, while the election
“ was proceeding in the presence of Henry, the
“ son of the king, to whom this very matter had
“ been delegated, it was asked, in what condition
“ they gave me to the church of Canterbury ; and
“ it was answered,—‘ freed and discharged from
“ all judicial obligation.’—Therefore, thus freed
“ and thus discharged, I am not bound to answer ;
“ and I will not answer.” “ This,” observed the
earl, “ is different from the representation, which
“ the bishop of London made to the king.”

The archbishop added ;—“ My son, give your
“ father attention. As much more worthy the
“ soul is than the body, so much more ought you
“ to obey me, than the king. Neither law, nor
“ reason allows, that children should judge or con-
“ demn their father. I decline therefore the judg-
“ ment of the king, of yourself, and the others.
“ God and our lord the pope are my judges. To
“ the pope, before you all, I appeal, placing the
“ church of Canterbury, my order and dignity,
“ and all that belongs to them, under his protec-
“ tion.” Then, addressing himself to the prelates
present, he said,—“ as for you my brethren and
“ fellow bishops, as you are bound to obey God,
“ rather than man, I summon you to trial and
“ judgment before the pope. Thus fortified by the
“ authority of the catholic church, I retire.”

So saying, the archbishop withdrew. In a short
time he escaped to France, where, venerated by
the whole christian world, he resided many years.

The resentment of the king now knew no bounds :

he confiscated the estates of the prelate, and of every clergyman, who had either followed him into France, or rendered him any service; and he banished, without distinction of rank, age or sex, all persons connected with him, by blood or friendship, and aggravated the infliction by making the sufferers take an oath, on their embarkment, that "they would present themselves before the archbishop, and reproach him with their sufferings."

We now reach the second stage of this important controversy. A detail of its incidents is foreign to the subject of these pages: it is sufficient to mention succinctly, that, after many fruitless endeavours, a reconciliation between the archbishop and the sovereign took place at Freitville in Normandy; that the archbishop returned to England; that, upon a complaint by him against the prelates, who had assisted at the coronation of prince Henry, the celebration of which ceremony belonged of right, as he asserted, to the see of Canterbury, the pope excommunicated the bishops of London, Rochester and Salisbury, conferring at the same time, a power on the archbishop to absolve them; that the sovereign required him to absolve the prelates; that, on his refusal, they attended in person on the king, who was then in Normandy, to make their complaints against the archbishop; that, irritated by their representations, the king exclaimed,—“Of the cowards who eat my bread, is there not one, who will free me from this turbulent priest?”—that four knights, who heard this exclamation, bound themselves by oath to avenge the king; that they

sailed for England, and proceeded directly to Canterbury, entered the cathedral, and, advancing to the archbishop, required him instantly to absolve the bishops; that he refused to do it, till the prelates made satisfaction; that, on this refusal, the four knights murdered him; that, as soon as the king was informed of it, he solemnly denied all participation in its guilt, but admitted the unguarded exclamation, upon which the knights proceeded to the perpetration of the crime, and, on this account, submitted to a public and humiliating penance, and was absolved by the pope.—Previously to it, he solemnly abrogated all the unlawful customs, which he had introduced into his states, and forbad their being observed in future.

The archbishop was canonized in 1178. His memory has ever been held in honour by the church of Rome. “He combated, even to blood,” says Bossuet, “for the church’s minutest rights:—and “maintaining her prerogatives, as well those, which “Jesus Christ had acquired by his death, as those, “which pious princes endowed her with, he defended the very outworks of the holy city:—his “glory will live as long as the church; and his “virtues, which France and England have venerated with a kind of emulation, will never be “forgotten*.”

* “The History of the Variations of the protestant churches, “by James Benigne Bossuet, bishop of Meaux, one of his “majesty’s honourable privy council, heretofore preceptor to “the dauphin, and chief almoner to the dauphiness. In two “parts. Translated from the sixth edition of the French

The writer has not discovered any formal repeal of the constitutions of Clarendon; but it is clear that, from the time of the decease of the archbishop, they ceased to be considered as law. This may be thought to favour the notion, that they were merely an exposition of the customs, and not a legislative enactment.—At a council held at Northampton, in 1176, it was provided, that “no clergyman should be personally arraigned before a secular judge, for any crime or transgression, unless it was against the law of the land, or regarded a lay fee.” Here the matter appears to have rested till the reformation*.

“original, printed at Paris, 1718, by father Muston, alias Browne, s. 1.”

Candid protestants, also, have respected the memory of Becket. Collier's account of the controversy between him and his sovereign, (*Eccl. Hist.* vol. i. p. 343–377,) deserves a very serious perusal.

* Those, who seek for full information, upon the controversy between Henry the second and St. Thomas, should consult “*Fides Regia Anglicana; sive Annales Ecclesiae Anglicanae: ubi potissimum Anglorum catholica Romana et orthodoxa fides, ab anno D'ni 1066 ad 1189, e regum et augustorum factis et aliorum sanctorum rebus e virtute gestis asseritur auc.*” R. P. Mitchaele Alfordo alias Griffith, Anglo, Societatis Jesu “*Theologo. Leodii, 1663,*” in four large folio volumes. The fourth contains an account of the transactions between the king and the archbishop, extracted from ancient authors. He gives such copious extracts from these, as leave the reader, who wishes for original information, little to desire.

CHAP. V.

LEVIES ON ECCLESIASTICAL BENEFICES.

TO answer the wants of the church, and supply other calls upon them, the popes frequently required from the secular and regular clergy pecuniary contributions, similar to those, which the temporal lords were entitled to receive from their feudatories. It has been said, that the demands of the popes on the English clergy were greater than those, which they raised on the clergy of any other state; and that this was owing to the ascendancy which the popes obtained in consequence of the surrender, which king John made of his crown to the Roman see. This event we shall notice in a future page; in the present chapter, we shall succinctly mention the complaints against the popes on account of the subsidies levied by them on the clergy.

The ascendancy, which the pope obtained by his arrangements with John, was increased by Henry the third, who succeeded that monarch in the throne. Immediately after his accession, he swore fealty to the sovereign pontiff; and in every vicissitude of fortune, treated the see of Rome with the highest respect and affection. In his reign; however, the English clergy began to remonstrate against its exactions.

The disputes between Gregory the ninth, and the emperor Frederick, involved the pope in great expenses: he demanded aid from his clergy; it

was cheerfully granted ; but the demand was often repeated, and, under Innocent the fourth, became so frequent, as to occasion universal discontent, both among the clergy and the laity. The aid required, was generally a twentieth, but sometimes a much greater proportion of the annual income of every beneficiary, either of the first or the second order of the clergy ; and of every ecclesiastical community that possessed revenues. The clergy remonstrated against these exactions in firm but temperate language ; their remonstrance was accompanied by a letter from the king ; but the complaint was disregarded. By degrees, the nation entered into the cause : the king, the bishops, the barons, and the abbots, wrote letters to the pope. The clergy proceeded in their letter so far as to hint to his holiness, that, “ if he did not redress their grievances, they should be forced themselves to redress them ; and that the interest of the court of Rome in England would then be so embarrassed, as to make it very difficult to restore it to its former condition.” The pope, however, persisted in his demands ; the king veered to him, and the clergy compounded with the pontiff for 11,000 marks.

On some occasions, the pope and the king combined to enforce these levies from the clergy. Thus, when Innocent the fourth conferred the kingdom of Sicily on Edmund, the nephew of the king, they compelled the bishops and abbots to accept bills for 20,000*l.* drawn upon them in favour of the king by bankers at Venice and Florence. They further

ordered the general body of the clergy to pay into the exchequer of his majesty, during five successive years, a tenth part of their annual rents. They also placed at his disposal, during that period, one year's income of the vacant benefices, and the value of the goods of all clergymen, who died intestate. In like manner, during the war between Henry the third and the earl of Leicester, the pope granted to the monarch a tenth part of the revenues of the church for three years.

It should be added, that, through all the contests of Henry with the *mad parliament* as history has called it, and with the earl of Leicester its supporter, the pope was uniformly attached to the royal cause: nothing could be more wise or more suitable to his paternal character, than the advice which he gave to the monarch, on the victory gained by him at Evesham: "The news of it," says Mr. Kingard *, "filled the pope with joy: he instantly wrote to the king and prince, to express his gratitude to the Almighty for so propitious an event; but, at the same time, earnestly exhorted them to use with moderation the licence of victory; to temper justice with mercy; to re-collect that revenge was unworthy of a christian, and that clemency was the firmest pillar of a throne."

It would, however, be doing a great injustice to the popes to suppose, that the money, which they received from the impositions which have been mentioned, was altogether employed in carrying

* Hist. vol. ii. p. 358, cites Rymer, i. 817, 820.

on their wars, or in the support of their magnificence or pleasures. The wars, in which they voluntarily engaged, were not numerous. In their quality of sovereign princes, they had all the inherent rights of sovereignty to enforce and defend their claims by arms; but they seldom were aggressors: and it is not a little remarkable, nor a little to their honour, that it is difficult to specify a single instance, in which they increased their temporal territory by conquest. The whole even of their present possessions consists, with a small exception, of the patrimonies, which they successively inherited under the donations of Pepin, Charlemagne, Lewis, Lothaire, the emperor Henry Otho, and the countess Matildis.

Speaking therefore generally, the wars of the popes were wars of defence; and, considering how important it was to christendom, that their independence, as sovereigns of a respectable dominion*, should be preserved, and the constant aid which the clergy derived from them, their claims on these to contribute to the relief of their pressing wants, were natural, and certainly not always unreasonable.

Add to this, the heavy expenses inseparably incident to the obligation which the superintendence of all christian churches, (then universally acknowledged to be their prerogative duty),—and the propagation of the gospel in pagan countries, imposed on them.

* *Haud contemnendi imperii*, as his state is described by Bellarmine in his answers to James the first.

CHAP. VI.

STATUTES AGAINST PROVISORS, AND THE EXPORTATION OF ECCLESIASTICAL REVENUES OUT OF THE KINGDOM.

DURING the period of which we are now writing, both the monarch and his subjects, as well ecclesiastical as lay, frequently complained, that the popes too often invaded the acknowledged rights of the patrons of ecclesiastical benefices, and even forced foreigners into them.

Towards the commencement of the twelfth century, the popes began to reserve to themselves the presentation to all benefices, which became vacant, while the incumbent was attending the court of Rome, on any occasion, or on his journey to that court or from it; and to such benefices, as became vacant by the promotion of the incumbent to a bishopric or abbey. They also assumed to themselves a right to nominate, by anticipation, to benefices, before they became void; or to direct the patrons to nominate specified individuals; these were called papal provisions. Pope Gregory the ninth, ordered St. Edmund, the archbishop of Canterbury, Grossetete bishop of Lincoln, and the bishop of Sarum to provide certain Roman clergymen*, with vacant benefices in England, under pain of losing their own right of collation, till provision should be made for them.

* Matt. Paris, p. 658, says the number of them was three hundred; this must be an exaggeration.

The necessities of the popes led them to these measures : the kings and the clergy remonstrated against them ; but the kings were sometimes insincere in their remonstrances, as, by obtaining these grants for themselves, they were enabled to provide for their own favourites. Some concessions, however, were obtained from the pope on behalf of lay patrons : but the general evil continuing, the barons and clergy addressed a letter to the pope, containing a list of the grievances of the kingdom. They dwell on the exactions of the Roman see, and particularly complain, that “ their livings were disposed of to foreigners ;—to men, who neither understood English, nor were otherwise qualified for church preferment ; and that the Italians thus received 60,000 marks yearly from the church,—which was more than the whole revenues of the crown,—to the neglect of instruction, and disuse of hospitality*.” These remonstrances seem to have produced some effect : the pope issued a bull, in which, “ he professed a dislike of the practice ; but alleged the neces-

* *Fasciculus rerum expetendarum et fugiendarum*, prout ab Orthuino Gratio, Presbytero Daventriensi, editus est, Coloniae, A.D. MDXXXV. in concilii tunc indicendi usum et admonitionem : ab innumeris mendis repurgatus, juxta editiones singulares et potiores plerorumque tractatum, qui in eo continentur : unâ cum appendice sive tomo ii. scriptorum veterum, quorum pars magna nunc primum e mss. codicibus in lucem prodit, qui ecclesiae Rom. errores et abusus detegunt et damnant, necessitatemque reformationis urgent. Quorum omnium ratio in praefatione ad Lectorem, Fasciculo prefixâ redditur. Opera et Studio Edwardi Brown, Parochi Sundrigiae agro Cantiano.—Lond. 1690.—See tom. ii. p. 415.

“sities, by which he had been driven to it: he
 “empowered all the patrons of benefices in the
 “possession of foreigners to present to them im-
 “mediately; and declared that the individuals so
 “presented might take possession of the benefices,
 “instantly on the death or resignation of the ac-
 “tual incumbents, and in despite of any provi-
 “sion, that might thereafter be made by him or
 “his successors*.”

The practice, however, was continued. It was more sensibly felt, during the great schism. The popes themselves, and the greater part of the cardinals, and of other ecclesiastics then about the papal court, were of French extraction: it was an obvious remark, that to provide such persons with English benefices, which was improper at all times, was then singularly unwise; and must then be viewed by the English with particular indignation. The practice, therefore, was frequently and loudly complained of; but the complaint was neglected; and the consequence, as might have been foreseen, was, that the nation took the affair into its own hands, and redressed the grievance. Several laws† were enacted, which provided that the court of Rome should present or collate to no bishopric or living in England; and that those, who disturbed any patron in the presentation to a living, by virtue of a papal provision, should pay fine and ransom to the king.

* Lingard's Hist. vol. ii. p. 311, cites Matthew Paris, 741. Annal. Burt. 326, 330. Rym. i. 294.

† Mr. Justice Blackstone, in his Commentaries on the Laws of England, book iv. c. 8, cites 25 Edw. III, st. 6; 27 Edw. III, st. 1. c. 1; 38 Edw. III, st. 1. c. 4. & st. 2, c. 1, 2, 3, 4.

In our present view of things, papal provisions appear an intolerable usurpation. Some circumstances, however, should be taken into consideration, which will perhaps induce the reader to think that they were not wholly unattended with salutary consequences. They prevented the patrons of ecclesiastical livings from keeping them vacant and converting the revenues to their private use ; they also restrained the simoniacal traffic of benefices, one of the greatest calamities of the church during the middle ages. They enabled the popes to fill the church with men of talents and character. This was felt so strongly, that, in 1399, the universities both of Oxford and Cambridge presented petitions to the convocation, stating that, “ since “ the passing of the statutes against provisions, the “ members of the universities had been neglected “ by patrons, so that the schools were disregarded “ and nearly abandoned.”—Sixteen years later, the matter was taken up by the house of commons : they addressed the king with the same complaints, and prayed for a repeal of the statutes, or some other adequate remedy. The monarch referred the matter to the bishops : and, in 1416, a law was passed in convocation, obliging every spiritual patron, during the next ten years, to bestow the first vacant benefice in his presentation, and after that, every second, on some member of one of the universities, graduated in one of the three faculties*.—This was a partial remedy ; but it proves the existence of the evil.

Another circumstance should be taken into

* Lingard's History, vol. iii. p. 306.

consideration. In consequence of the successful invasion of England by the first William, the nation was divided into two classes, the Norman conquerors, and the conquered Saxons : every art was used to exalt the former and depress the latter. With this view, offices and employments of honour or emolument were almost exclusively appropriated to the Normans ; and this was particularly the case with respect to the dignities and possessions of the church. The Norman too was the language of the palace and the courts of justice, and no other was spoken in the circles of the great : but the Saxon continued to be the language of the commonalty. Thus, in their regard,—and they certainly constituted the bulk of the nation,—the Norman was as much a stranger as an Italian ; and, as a member of the oppressing cast, he was singularly unpleasant to them. An Italian would naturally be a greater favourite ; his manners would be more conciliating : whether the priest spoke in the Italian or Norman language, he was equally unintelligible to the mass of the people ; but the Norman was a language of woe, which the Saxon could not hear without recollecting the misfortunes of his country and his own abjection. It may be added, that the Italian, as a person sent to them from the Roman pontiff, whom they considered, and who certainly, on several occasions, proved himself to be the common father of the faithful, would be viewed with more regard and kindness than any clergyman of the invading race. It was also likely that the Italian would be better informed,

more regular in the discharge of his duty, less insolent and less oppressive. There seems, therefore, some reason for supposing, that the papal provisions, which are now so strongly censured, and which, in some points of view, may be justly censurable, were rather a general benefit than a general grievance to the nation ; and that the statutes to restrain them, were called for rather by the king and the nobles, than by the general body of the people.—It is understood that the distinction which we have noticed, between the Norman and Saxon portions of the community, and the difference of their language, customs and feeling, continued to be strongly marked till the reign of Edward the third, from which time, it began to wear away.

The practices, which have been mentioned, tended to drain the kingdom of its specie ; a further subtraction of it was produced by the remittances, which religious houses, in consequence of the impositions with which they were charged, sometimes by the popes, and sometimes by their foreign superiors, were obliged to make into foreign countries. This, particularly at a time, when a paper currency was altogether unknown, was a considerable grievance. To remedy it, a statute was passed in the 35th year of Edward the first : after reciting that abbots and other governors of religious houses were used to set pecuniary impositions on communities, subject to their government, and to dispose of them at their pleasure, it directed, “ that every
“ religious person, taking or sending money out of

“ the kingdom, should be grievously punished ;
 “ and that alien abbots imposing such a tax should
 “ forfeit their property for the offence*.”

CHAP. VII.

STATUTES OF PRÆMUNIRE.

THE rise, decline and fall of the temporal power of the pope, form one of the most interesting and important topics of modern history. The subject of these Historical Memoirs obviously requires some mention of them : we shall therefore endeavour to place before our readers,—some account, I. Of the rise of the temporal power of the popes ; II. Of its decline,—(the history of its fall belongs to a later period),—III. And of the successful resistance made to it by the sovereigns and legislature of England, particularly by the statutes of præmunire. IV. The chapter will conclude, with short observations on the services rendered by the popes to religion and government.

VII. 1.

Rise of the Temporal Power of the Pope.

ST. PETER, the first of the popes, had neither temporal estate, nor temporal power. During the ten persecutions, his successors acquired some moveable and immoveable property, for the support of the altar and its ministers, and for the purposes of charity. The donation of Constantine is a fable ; his

* 35 Edw. I. st. De asportatis religionorum.

constitution of 321, by which he authorized churches to acquire and hold property of every description, by gift, testamentary donation, or purchase, is the real source of the wealth of the church. From him and his successors, the popes obtained extensive possessions in Italy, Sicily, Dalmatia, France and Africa. In consequence of their descendible quality from pope to pope, they were called the patrimony of St. Peter. Other churches had their respective patrimonies, to which they gave the name of an eminent saint of the district. Thus, the landed property of the church of Ravenna, was called the patrimony of St. Apollinaris; that of the church of Milan, was called the patrimony of St. Ambrose; and that of Venice, was called the patrimony of St. Mark. In this manner, the popes became *owners of houses and farms*.

The laws of Constantine and his successors conferred on them something like a right of civil jurisdiction. This was increased by the circumstances and temper of the times; and thus they acquired the *power of magistracy*.

After Justinian had re-conquered Italy, Rome was governed by a duke, who, like the other dukes of Italy, was wholly subordinate to the exarch of Ravenna. Still, as the popes constantly resided at Rome, their spiritual character, their talents, the use which they made of them, and particularly, the sums of money spent by them in public and private charities, in support of the walls and fortresses of the city of Rome, and in maintaining troops for its defence, endeared them to the Roman people. This

gave them considerable *political influence* in the city of Rome, and the adjoining parts of Italy. Their exercise of it was always useful, and sometimes necessary for answering the purposes of government; and thus the popes became possessed, indirectly, of *temporal power*.

Such was the situation of the popes, at the commencement of those successful expeditions of Pepin and Charlemagne into Italy, which terminated in the establishment of the western empire of the latter on the ruin of the Byzantine dynasty. To each of these monarchs in the prosecution of his views, the popes rendered essential service; and received from the former, the exarchate, the Pentapolis, and other extensive possessions in the neighbourhood of Rome; and from the latter, a confirmation and extension of this *ample territory*.

At a subsequent time, the pious munificence of the celebrated Matildis, countess of Tuscany, enriched the holy see with considerable possessions. By two deeds, she gave all the estates of which she was then possessed, or which she might afterwards acquire, to the holy see. The principal of them were Tuscany, Spoleto, Parma, Placentia, and a considerable territory in Lombardy.

Thus, from an humble fisherman, the Roman pontiff became a *great temporal prince*, and the eternal city, as Rome is often called, became the seat, as well of his temporal as of his spiritual power. Unfortunately, he soon advanced a higher claim.—In virtue of an authority, which he pretended to derive from heaven, the pope asserted,

that, by divine right*, the pope was the *supreme temporal lord of the universe*, and that all princes and civil governors were, even in temporal concerns, subject to him. In conformity with this doctrine, they took on themselves, to try, condemn and depose sovereign princes, to absolve their subjects from their allegiance, and to grant their kingdoms to others.

That a claim so unfounded, so detrimental to religion, so hostile to the peace of the world, so extravagant, and, on the face of it, so baseless and visionary, should have been made, is strange: stranger still is the success which attended it. There scarcely is a kingdom in christian Europe, the sovereign of which did not, at some time or other, acquiesce in it, so far at least as to invoke it against his own antagonist; and, having once urged it against another, it was not always easy to deny, with consistency, the justice of it, when it was urged against himself. When the pope excommunicated Philip Augustus of France, for marrying a woman in the life-time of his first wife, he charged the pope with insolence and an abuse of his power; but, when the pope conferred the king-

* Some modern writers, to veil the hideousness of these pretensions, have insinuated that the popes made their claim to temporal power, not by divine right, but by the concessions of princes. Can this be honourably urged by any person, who has read the sentence by which Gregory the seventh deposed the emperor Henry? Or the bulls *Ausculta fili* and *Unam Sanctam* of Boniface the eighth? Or even the bulls and briefs, which we are obliged to bring forward in the course of these Memoirs?

dom of England on him and his heirs, in perpetual succession, he observed to no one, that the pope had no right to dispose of kingdoms*.

VII. 2.

Decline of the Temporal Power of the Pope.

THE beginning of the fourteenth century may be assigned for the æra of the highest elevation of the Roman pontiffs; as, about that time their territorial possessions had their largest extent: they had then made their greatest progress in exempting the clergy from the civil power; and they then experienced least resistance to their general claim of divine right to temporal power. They might, therefore, at this time be thought to have secured the duration of their temporal empire:—from this period, however, it began to decline, and the causes of its decline are obvious.

On some occasions, they carried their pretensions to a length which excited the disgust, and even provoked the resistance of the most timid. The extravagant conduct and language of Innocent the third, Boniface the eighth, and Clement the sixth,

* See other instances of a similar nature in the late publication, intituled "Du Pape," 8vo. 1819: few works display greater intrepidity of assertion; but it contains many curious facts, not generally known, and many judicious remarks: it is observable that the author, in the beginning of his work, falls into a great mistake by confounding the right of the pope to supreme jurisdiction in ecclesiastical causes, which no catholic denies him, with the question on his personal infallibility in matters of faith.

in their contests with Philip Augustus, Philip the Fair, and Lewis of Bavaria, gave general offence; and led several governments of Europe to make strong declarations of the independence of their sovereigns on the see of Rome, in all temporal concerns.

It must also be admitted, that the popes were sometimes engaged in enterprizes evidently unjust ; and that the lives of some of them were confessedly dissolute.

In the year 1309, the policy of the French king prevailed on the pope to translate his see to Avignon : and for a period of seventy years, that city continued the metropolis of christendom. This exasperated the Italians to the highest degree : they lost their personal affection for the pope ; they called his residence at Avignon, the captivity of Babylon, and filled Europe with invectives against him.

An event then took place, which was still more detrimental to the popes. Gregory the eleventh quitted Avignon, and established his residence at Rome ; he died in 1378. The Italian cardinals chose a pope, who took the name of Urban the sixth, and fixed his seat in the city of Rome : the French cardinals chose one, who took the name of Clement the seventh, and fixed his seat at Avignon. All christendom was divided between the popes ; and the schism continued from 1378 to 1417, when it was ended by the elevation of Martin the fifth. During the period of the schism, two and sometimes three rival popes were wander-

ing over christendom ; dividing it by their quarrels, and scandalizing it by their mutual recriminations.

But nothing contributed so much to the decline of the temporal power of the popes, as the discussions which took place at the councils of Constance, Basil and Pisa, and the writings of several men of learning, particularly of the Parisian school, who now began to discuss the papal pretensions to temporal power, with temper and erudition.

A rougher attack was made on them by the Waldenses, Albigenses, Wickliffites, Lollards and other heretics of the fourteenth and fifteenth centuries. It must be admitted, on the one hand, that they maintained several doctrines irreconcilable with those of the gospel, and subversive of civil society ; so that it is amazing that the reformed churches should be so anxious to prove their descent from them ; but it must equally be admitted on the other, that they brought charges against some temporal usurpations of the popes, and of churchmen, to which the advocates of the latter could make no satisfactory reply.

The effect of these circumstances was, that, before the end of the period assigned to this part of our history, the justice of the pretensions of the see of Rome to temporal power, by divine right, became much suspected ; the ancient canons were more attended to, and the limits of spiritual and temporal power were better understood*.

* In the foregoing succinct account of the rise and fall of the pope's temporal power, the writer has been assisted by a very learned work of Thomassin ; " *Traité de la Discipline Eccle-*

VII. 3.

Resistance of the Sovereigns and Legislature of England to the attempts of the Popes to establish in it their Temporal Power.

ABOUT the year 726, king Ina subjected the West Saxon division of England,—about the year 793, king Offa subjected its East Saxon division,—to the payment of Peter-pence, for the support of a school founded by the former at Rome, for the education of English in that city. The penny was to be collected yearly from every family,—(except those residing on estates belonging to the monastery of St. Albans),—whose lands exclusively of the tenements on them, could yield a rent of thirty pence. It is evident that these were merely settlements of revenues for a pious and charitable foundation : but, in subsequent times, it was contended that the reservations contained in these grants were in the nature of quit-rents, importing an acknowledgment of territorial submission to the holy see*.

“ siastique, 3 vol. fol. 1725.” The “ *Histoire de Charlemagne* par M. Gaillard, 4 vol. 8vo. Paris, 1782;” “ *Giannone’s Istoria de Napoli*, 4 vol. 4to. Napoli, 1723;” and particularly by the “ *Abrégé Chronologique de l’Histoire d’Italie*, 6 vol. 8vo.” of the abbé St. Marc, a learned, accurate and well considered work.

* Collier, vol. i. p. 143. He cites Baronius, A. D. 740, p. 130, and Polydore Virgil, Hist. l. iv. p. 86.—Father Persons,—(Answer to sir Edward Coke, c. vi. s. 67, 68, 69),—mentions the Peter-pence as a temporal tribute, and that it was a voluntary gift of temporal jurisdiction. Father Alford,—

With the exception of a short interval in the reign of Edward the third, the Peter-pence were regularly paid, till a statute in the twenty-fifth year of the reign of Henry the eighth, forbade the payment of them. The collection is said to have amounted annually to 3,000 marks.

William the conqueror was favoured in his invasion by the reigning pontiff: he sent his blessing to the monarch and consecrated his banners. The conqueror often expressed himself to the pope, in terms of reverence and duty; and acknowledged, on more than one occurrence, his spiritual supremacy; but, on every occasion, he jealously preserved the independence of his crown, against the pretensions of the Roman see.

With the same spirit, when Gregory the seventh, by Hubert his legate, solicited Henry the second to do homage to the apostolic see for the crown of England: "I will not do it," was the monarch's proper answer; "I did not promise it myself; nor can I learn, that any of my ancestors promised to do it."

By degrees however the papal pretensions gained strength; and, at length, to adopt the language of

(*Annales ad annum 726*),—mentions it in the same light, and is eloquent on the subject. Probably at first, it was in the nature of a pension from the crown, and, till a much later period, did not become a tax on the subject. It was payable on the 1st of August, the feast of St. Peter's chains; the bishops received it, and paid it over to the pope's collectors; if the bishops made default in the payment of it, they might be sued for it in the royal courts.

sir William Blackstone*, " pope Innocent had the
" effrontery to demand, and king John had the
" meanness to consent to a resignation of his crown
" to the pope ; by which England was to become
" for ever St. Peter's patrimony ; and the dastardly
" monarch re-accepted his sceptre from the hands
" of the papal legate to hold as the vassal of the
" holy see, at the annual rent of 1,000 marks."

But the nation did not acquiesce in this surrender of her independence ; and it was acknowledged,—at least with the exception of Henry the third,—by no succeeding monarch.

During the expedition of Edward the first to Scotland, he received a letter from Boniface the eighth, in which the pope declared, that Scotland was a fief of the holy see, and required Edward to desist from force, and pursue his claim in the court of Rome. To this extraordinary requisition, the king paid no regard. The papal message was, however, laid before the parliament then assembled at Lincoln : " Having diligently read your letter," say the barons, in answer to the pope, " it is,—and, " by the grace of God, shall ever be,—our common " and unanimous resolution, that, with respect to " the right of his kingdom of Scotland, or any other " of his temporal rights, our aforesaid lord shall not " plead before you ; nor submit to any trial, or inquiry ; nor send any messenger, or prolocutor, " to your court, especially, as such proceedings " would be to the manifest disherison of the rights

* Com. book iv. ch. 8.

“ of the crown of England, and the royal dignity ;
“ the evident subversion of the sovereignty of the
“ kingdom ; and to the prejudice of the liberties,
“ customs and laws, which we have inherited from
“ our fathers ; and to the observance and defence
“ of which, we are bound to our oaths ; and which
“ we will continue to hold to the best of our power ;
“ and with the assistance of God, will defend with
“ all our strength. Neither do we, nor will we,
“ nor can we, nor ought we, to permit our lord the
“ king, to do any of the things aforesaid, even were
“ he ever so desirous to do them.” The pope wrote
to the king, that “ the emperor and king of France
had “ submitted to him.”—“ If both the emperor
“ and the French king should take the pope’s
part,” replied Edward, “ I am ready to give battle
“ to them both in defence of the liberties of my
“ crown *.”

In the 40th year of the reign of Edward the third, pope Urban the fifth attempted to revive the papal claim to vassalage and annual rent, to which king John had subjected the kingdom. In consequence of it, the king assembled his parliament, and referred the demands of the pope to them. The prelates desired a day to consult in private, and, on the next morning, answered that, “ neither
“ John, nor any other person, could subject the
“ kingdom to another power, without the consent
“ of the nation.” The temporal peers and commons assented ; and, in a public instrument, re-

* Collier’s Ecc. History, vol. i. p. 725.—Lingard’s History of England, vol. ii. p. 438.

peated the answer of the prelates; adding that "the act of John was done without the consent of the realm, and against the tenor of the oath taken at his coronation." It was then resolved by the lords and commons, (the king and prelates having withdrawn), that, "if the pope attempted to enforce his claim by process of law, or any other means, they would resist and stand* against him, to the very utmost of their power."

At subsequent times different statutes were passed to strengthen the foregoing laws, and extend their provisions. These statutes were generally called the statutes of *præmunire*. They received this appellation from the language of the writ of citation, preparatory to the prosecution upon them. By this, the sheriff was ordered "to cause the offender to be forewarned,"—(*præmunire*,—a barbarous word for *præmonere*, facias),—"N. N. to appear, and to answer the contempt with which he was charged;" which offence was recited in the preamble to the writ. The contempt was supposed to consist, in paying that obedience to a process issuing from the papal court, which was due to the king alone. The punishments inflicted by these statutes, are various. Collectively taken, they are thus shortly summed up by lord Coke,— "that, from the time of conviction the defendant should be out of the king's protection, and his lands and tenements forfeited to the king; and that his body should remain at the king's pleasure."

* Lingard's History of England, vol. iii. p. 146, 147, cites Rot. Parl. ii. p. 289, 290. See also Cotton's Abridgment of Records, p. 102.

Such were the provisions, by which, when the popes were in the zenith of their authority, our catholic ancestors disclaimed and resisted their pretensions to temporal power, and even the undue exercise of their spiritual power, within this imperial realm*.

VII. 4.

Services rendered by the Popes to Religion and Government.

THE scenes, in which the popes were engaged, in consequence of their claim to temporal power by divine right, present the dark side of the papal character. In most other respects, they appear to advantage, both in their sacerdotal and their civil capacities. That a few, in the long list, were stained by vice, is not denied; nor that others exhibited the workings of those passions, which too generally accompany the possession of power; but can it be said, that, even in the times of the greatest ignorance, the roman bishops were not eminently distinguished by superior virtue and superior acquirements? Collectively taken, let them be compared with the contemporary princes in every age; and most assuredly they will not suffer on the comparison.

* The subject of this chapter is exhausted by lord Coke, in his treatise *De Jure Regis Ecclesiastico*, prefixed to the fifth volume of his Reports, and the answer to it by father Persons, published in 1606.—See also Mr. Lingard's *History of England*, vol. ii. ch. 15, p. 304, 311 :—and vol. iii. ch. 19, p. 144, 156; ch. 20, p. 189, 198.

Voltaire observes that, in the dark ages, there was less of barbarism and ignorance in the dominions of the popes, than in any other European state. Much, unquestionably, was done by them, in every portion of christendom, to dispel ignorance, to spread the faith and morality of the gospel, to protect the lower ranks against their oppressors, to preserve peace among princes, and to alleviate the general calamities of the times. Their exertions, during the middle ages, to compel the monarchs of Europe to respect the sanctity of the marriage bed, have not been sufficiently observed : had it not been for these, royal incontinence, even of the worst kind, would probably have become common, and would probably have been generally imitated.

Persecuted by every other power, the jews were protected by the popes ; great exertions were made by them for the redemption of captives, and for the amelioration of the condition of the slaves*. Nothing contributed more to elevate the third estate into notice, and give it importance, than the assistance, which the Italian republics, in their contests with the emperors, received from the popes. Their exertions for the conversion of infidels were unre-mitted : few nations can read the history of the introduction of christianity among them, without being sensible of their obligations to the popes.

* In 1167, pope Alexander the third solemnly declared in council, that all christians ought to be exempt from slavery.

CHAP. VIII.

HISTORICAL MINUTES OF ROBERT GROSSETETE,
BISHOP OF LINCOLN.

THIS illustrious prelate* took an active and honourable part in many of the events mentioned in the preceding chapters. As several circumstances of his life shew the spirit of the times, to which this portion of our work relates, on most of the subjects of the preceding pages; and as, notwithstanding the great renown of this prelate in his own time, and in the times which immediately followed, the particulars of his life are little known to the generality of readers, it has been thought, that a short biographical notice of him in this place, would not be unacceptable.

* This account of Robert Grossetete is taken from "The Life of Robert Grossetete, the celebrated bishop of Lincoln; by Samuel Pegge, LL. D. prebendary of Louth, in that diocese, with an account of the bishop's works, and appendix, quarto, 1793." This work is become extremely scarce, and a new edition of it, enlarged by interweaving in it a history of the times, which was Dr. Pegge's original design, would be a valuable present to the public.—By the favour of Dr. Cameron, the roman-catholic bishop in the Lowlands of Scotland, the writer has been favoured with a perusal of a manuscript life of bishop Grossetete, by the late doctor Perry, president of the English roman-catholic college of Valladolid. Should such a work, as the writer has suggested, be undertaken, both this manuscript and a life of Grossetete, which Dr. Pegge mentions in his preliminary observations, to have been left in manuscript, by Mr. Knight the biographer of Erasmus, should be consulted.

VIII. 1.

Birth and early years of Grossetete.

HE was born, according to the most probable opinion, about the year 1175, at Stow, a village near Lincoln, of obscure parents. His mother, on her death-bed, recommended him to "seek God" and true wisdom, more than meat or drink." Impressed with this sentiment, the mayor of Lincoln having proffered him a boon, Robert entreated the mayor to procure him the means of improving his mind. The good mayor placed him in a grammar school: there he distinguished himself; and, having finished in it his grammatical studies, was removed to Oxford. Anthony Wood* mentions, that this celebrated university then contained 30,000 students; some of whom were foreigners. Here Grossetete made great proficiency in the learning of the schools, and obtained also a considerable degree of knowledge both of the Greek and Hebrew languages. To pursue his studies with greater advantage, he repaired to Paris: "Whither," says Dr. Pegge, in his life of our pre-

* "Athenæ Oxonienses. An exact History of all the Writers and Bishops who had their education in the most ancient and famous university of Oxford, from the 15th year of king Henry the seventh, A. D. 1500, to the end of the year 1690, representing the birth, fortune, preferment and death of all those authors and prelates, the great accidents of their lives, and the fate and character of their writings. To which are added the Fasti or Annales of this University for the same time, fol. 1791."—See vol. i. p. 80, 84, 98.

late, "almost all our English divines, who aspired
 "after a superior degree of eminence in their pro-
 "fession, resorted for the finishing of their cha-
 "racter, notwithstanding the high reputation of
 "our own domestic academies."

VIII. 2.

Grossetete's Proficiencies in Literature.

GROSSETETE cultivated literature through life. The writings, which he left behind him, embraced the whole circle of science, logic, ethics, œconomics, politics, arithmetic, geometry, the doctrine of the sphere, comets, the air, light, catoptrics, astronomy, metaphysics, music, medicine, canon law and theology. He composed treatises on most of these subjects. The far greater part remains in manuscript: some of his sermons, and many of his letters, were published by Mr. Browne in his *Fasciculus*.

The vulgar looked on Grossetete as a prodigy. Like many other men of science, who flourished in the dark ages, he was accused of magic: he was said to have framed a head, that spoke and gave council; and to have had such a power over the invisible world, that, on an emergency, he compelled Satan to assume the shape of a horse, which carried him to Rome and back again, in twenty-four hours. To some of these magic honours, Roger Bacon, the Franciscan friar, afterwards succeeded.

Grossetete first attracted the notice of the public by his lectures on theology. The reputation

which he acquired by them, soon obtained for him the degree of doctor in that science. He was afterwards promoted to the archdeaconries of Salisbury and Leicester. In 1234 and 1235, he was unanimously elected by the chapter of Lincoln to that extensive and wealthy see, and the king readily confirmed his election.

Through the whole of his episcopacy, Grossetete strove to promote religion and learning, to enforce, among his clergy, an exact observance of discipline. This engaged him in several disputes; one, with the dean and chapter of his own cathedral church, on his right to visit them; one, with the dean and chapter of the cathedral church of Canterbury, on their right to receive, during the vacancy of that see, appeals from his sentences; and several with the regular clergy of his diocese, on his right to reduce, under his donation, all the churches possessed by them, to which they could not shew a regular and authenticated title; and on his right to charge those, to which they shewed such a title, with the payment of a competent stipend to an incumbent, who performed the parochial duty. In all these contests, he succeeded, and his conduct gave general satisfaction: but he was engaged in more important contests both with the crown and the pope. These more properly relate to the subject of these pages.

VIII. 3.

The Sentiments of bishop Grossetete on the different nature of Spiritual and Temporal Power.

WE shall first state these in the prelate's own words :

“ Whatever portion secular princes possess of
“ that power and dignity, which is ordained by
“ God, they receive it all from the church : whereas
“ the princes of the church—(her prelates),—re-
“ ceive no part of their ecclesiastical dignity and
“ authority from secular princes, but from God.
“ He, who receives power from another, cannot
“ rebel against him, from whom he receives it, by
“ abusing what he hath received, any other than if
“ the axe should glory against him, who saws with
“ it ; or the rod or staff against him who lifteth it.
“ Moreover, secular princes are to remember, that
“ both swords belong to Peter, the natural as well
“ as the spiritual ; with this difference, that the
“ princes of the church, who sit in the chair and
“ office of Peter, wield the spiritual sword by them-
“ selves, but wield the temporal one by the hand
“ and ministry of secular princes, who are to un-
“ sheath or sheath the sword they carry, at the
“ beck and direction of the princes of the church :
“ for, as Paul saith, the secular prince doth not
“ wear the sword in vain, and adds the reason, be-
“ cause he is the minister of God, an avenger to
“ execute wrath upon him, who doeth evil. Secular
“ princes therefore bear the sword as ministers of

“ God, to execute his vengeance upon evil-doers ;
“ in like manner both peaces and both laws are
“ entrusted to Peter’s lieutenants : with this dif-
“ ference, that Peter and his vicegerents administer
“ by the hands of secular princes, that peace and
“ that temporal law, which have been ordained for
“ the good order of society, and for our undisturbed
“ passage through this temporal life ; whereas they
“ exercise, by their own proper ministry, that spi-
“ ritual peace, which unites the faithful in one heart
“ and mind towards God ; and that spiritual law,
“ which promotes that (spiritual) peace. Hence,
“ as secular princes, in bearing the sword as
“ avengers of the evil-doer, are thereby ministers of
“ God, and consequently of the church, the spouse
“ of Christ ; so, in holding and exercising the ad-
“ ministration of the temporal peace and law, they
“ are also ministers of God, and consequently of
“ his church. Hence also, the laws, which are
“ formed to preserve the peace of our temporal life,
“ cannot in anywise contradict the laws of God,
“ or of his church ; since no minister ought to lift
“ up his heel against him whose minister he is.

“ Now, that both the swords, both the peaces, and
“ both the laws are primarily and originally lodged
“ in the princes of the church, appears not only
“ from the expositors of the holy books, but from
“ the divinely disposed examples of the chiefs of
“ the ancient people of God. Moses, though di-
“ vinely appointed chief of the people of Israel, and
“ the perfect type of the presidents of the church,
“ administered, by himself, both swords, and ruled

“ the people committed to his care, by both powers,
“ and by both laws : for, as the Scripture asserts*,
“ he presided over the people, in the things, which
“ belonged to God, and restrained those, who trans-
“ gressed his laws, the due observance of which
“ constitutes the tranquillity of the spiritual peace ;
“ and besides this, he girded his sword upon his
“ thigh, and passing through the camp, from one
“ gate to the other, he chastised the disturbers of
“ the civil peace, and those disturbers, whether of
“ the spiritual or temporal peace, he judged and
“ punished by laws, proper to each. But, when
“ our Lord Jesus Christ appeared on earth, then
“ he, who is the true God, and most meek lamb,
“ would have meekness and the contemplation of
“ heavenly things to shine principally in the princes
“ of his church ; and therefore, lest this pre-emi-
“ nent meekness, and application to things above,
“ should be eclipsed under the exercise of severity
“ and the application to secular affairs, the actual
“ exercise of the material sword, which flashes with
“ the terror of just severity, and the administration
“ of the temporal, which is clouded with the dark-
“ ness of earthly though lawful occupations, are put
“ into the hands of secular princes, the power
“ thereof still remaining in the hands of the princes
“ of the church. Now, that the exercise of the two
“ swords and of the two laws, is divided between
“ the secular princes and the princes of the church,
“ (the power of both always remaining in the latter),
“ seems to have been signified and illustrated by

* Exod. c. 18, v. 19.

“ Christ himself*: when, knowing that those,
 “ whom he had fed with five loaves and two fishes,
 “ were advancing to make him king, he fled into
 “ the mountain: and again †, when one of the
 “ crowd said to him, ‘ Master, speak to my
 “ brother, that he divide the inheritance with me,’
 “ he refused :—Oh man, he said to him, who has
 “ made me judge over you, to divide your inher-
 “ ance? For these, he only renounced the act of
 “ reigning and judging in temporals, not the royal
 “ and judiciary power itself; seeing he was truly,
 “ and by nature, king and judge of all creatures,
 “ whether in heaven or in hell, or on earth. And
 “ herein Christ signified that, in the law of grace,
 “ the princes of his church ought not actually to
 “ exercise any judgments of severity in temporal
 “ concerns, though the power and authority thereof
 “ be vested in them; and secular princes derive
 “ from their power, the exercise of such judgments.
 “ The laws, therefore, of temporal princes ought
 “ never to go against the divine or ecclesiastical
 “ laws; nor in the use of the sword, should the
 “ secular prince resist Christ or his church. When
 “ he does, he is convicted of disobedience to his
 “ father Christ Jesus, who hath begotten him by
 “ the word of his truth; and to his mother the
 “ church, who hath brought him forth by the sacred
 “ fountain of baptism. Consequently, (according
 “ to Ecclesiasticus ‡), he is infamous, because he
 “ hath deserted his father; and he is accursed of

* John, c. 6, v. 12.

† C. 12, v. 13.

‡ Eccles. c. 3, v. 18.

“ God, because he hath exasperated his mother ;
“ and his very foundation shall be rooted up, according to what is written in the same book *,
“ ‘ The mother’s curse rooted up the foundation.’
“ If these secular princes and judges would escape
“ this malediction, let them acquiesce in the wisdom
“ of Solomon, where he saith †, ‘ My son listen to
“ the instruction of thy father, and forsake not the
“ law of thy mother, that grace may be added to
“ thy head, and a chain of gold to thy neck.’
“ Now, whose instruction doth he so carefully enjoin us to hear, and whose law doth he bid us
“ beware of forsaking, but those of God our Father,
“ and of the church our mother ? For, how can he
“ enjoin us not to forsake the law of our carnal
“ mothers, seeing these latter, though empresses
“ and queens, have not a power to make laws ?
“ It being therefore evident, from so many
“ testimonies, that secular princes and judges can
“ neither frame laws contrary to the law of God,
“ or the ordinances of the church, nor execute those
“ already framed against them, without rebelling
“ against God their Father, and their holy mother,
“ the church, to their own eternal damnation, and
“ to the forfeiture of their temporal administration,
“ it behoves you, who are admitted to the king’s
“ familiarity, to share his judiciary power, as you
“ regard the king’s eternal salvation and your own
“ obedience and union with the holy roman-catholic
“ church, to labour, by all possible means to reform,
“ upon the model of the divine and ecclesiastical

* Eccus. c. 3, v. 11.

† Proverbs, c. 1, v. 8.

“ law, all the laws contrary thereto, which have
“ hitherto prevailed in the king's courts, to the
“ dishonour and injury of the eternal king ; and to
“ resolve, for the future, manfully to oppose the
“ making and the exercise of all such, so to rescue
“ our lord the king, yourself, and other secular
“ judges of the realm, from the burnings of eternal
“ fire.”

We have inserted this passage at length, that the reader may see from it the state of the ultramontane doctrine in the middle ages respecting the spiritual and temporal power of the ministers of the church,—and how it was exhibited and proved by one of its ablest and wisest defenders*. This statement of the sentiments of Grossetete will not, we believe, raise him in the opinion of many of our readers : but we must observe, that, by confining the whole power of the ministers of the church to concerns merely spiritual, and by denying to them a right to the personal exercise of temporal power, the notions of the prelate fell very short of those which were asserted by the higher flyers of those times ; as these ascribed to the pope both supreme spiritual and supreme temporal power, and a right to the personal exercise of both, as well in temporal as in spiritual concerns. Compared with these extravagances, the system

* It is translated from the prelate's letter to Raleigh, the 23d in Browne's collection (*Fasciculus*, vol. ii. p. 320). The same opinions and mode of argument are expressed, by John of Salisbury, (*Polycraticon*, lib. iv. cap. 1, 2, and 3) ; see Ceillier, tom. xxiii. p. 273.

of Grossetete is moderate, and approaches to what we shall notice in a future page, the more qualified, yet still reprehensible system of cardinal Bellarmine. The advance to truth is slow; but every step to it, however small, is important and a benefit to posterity.

Great good sense, spirit and method, appear in the letters of our prelate; the diction of them is nervous, but inflated, and, though they abound in classical allusions, the style is that of the times. The incessant introduction into them of scriptural phraseology, is very unpleasing.

The same remarks may be applied to the letters, which form the correspondence of St. Thomas of Canterbury. This deformity of their style would be less surprising, if the writers had been strangers to the Latin authors of antiquity: but we see that they were familiar with many of their works. Even the Latin translation of the Bible, which they heard and read every day, should have led them to a simpler and purer style.

VIII. 4.

Contests between bishop Grossetete and the Crown.

OUR prelate's first contest with the crown turned on the legitimation of children born before marriage, by the subsequent marriage of their parents,—a point, which became soon afterwards the subject of a memorable legislative proceeding of the British parliament.

This legitimation is admitted both by the civil

and canon law : in the former, by a rescript of the emperor Constantine, adopted by the emperor Justinian : in the latter by a constitution of pope Alexander the third, in 1160 : but, in both laws, it is allowed to extend to those cases only, in which, at the time of the marriage, it was lawful for the parents to intermarry. It prevails at this time, but with different modifications as to its effects on civil rights, in France, Germany, Scotland and Holland.

It never was received into the law of England : this is generally ascribed to the notions, which the Saxons, as all other nations of German origin, entertained of the honour and purity of the marriage tie. On the promulgation of the papal constitution of Alexander, the ecclesiastics sought to introduce its provisions into the jurisprudence of England. On this occasion, bishop Grossetete addressed a letter to William de Raby, his intimate friend, then judge of the Prerogative Court of Canterbury : he discusses the point, at considerable length, and concludes in its favour. Raby replied in defence of the municipal law, and the bishop received orders to conform to it, from the king in council. He demurred, and with other prelates, endeavoured to persuade the council, held at Merton in 1236, to adopt the provisions of the canon law : " But all " the earls and barons," saith the Parliament Roll, " answered, with one voice, that they would not " admit the laws of England, which, till then, had " been used and approved of, to be changed." This, the writers on the constitution of England

always mention as a memorable instance of the national jealousy of the civil and canon law, and the firmness of our ancestors, even when the papal power was at its height, in opposing foreign innovations.

Bishop Grossetete had other contests with the crown :—one, on the right of royal interference in the elections of bishops and other ecclesiastical dignitaries ; one, on the immunities of the clergy, which always found in him a zealous and an able advocate ; and one, on the employment of ecclesiastics in secular offices. These, he contended, the crown could not conscientiously impose on the clergy, or the clergy conscientiously accept : in this, he succeeded, so far as to procure a special mandate from Rome, in virtue of which, he promulgated a diocesan statute, which “ forbad all ecclesiastics, and all in holy orders, to exercise secular employments in future.”

While the council of Merton was sitting, he drew up, under eighteen distinct heads, a general list of the grievances, under which the church laboured, and presented them to the council*.

But his great contest with the crown respected the right of the state to impose subsidies on the ecclesiastical body, without its consent. At a meeting of the clergy in 1244, his majesty presented himself to them, and with threats demanded a subsidy. The prelates intimated an unwillingness to grant it : some, however, began to yield : “ but

* Ann. Burton. p. 396.

"stout Lincoln," says the historian*, "cried out aloud, let us not be divided; if we are divided, we are lost."

In 1252, the king, in a parliament then sitting in London, demanded, by virtue of a papal mandate, a tenth of all ecclesiastical revenues, according to a new valuation. "Do you think," exclaimed the bishop of Lincoln, "that we shall submit to this wretched exaction?"—"Father," said the young bishop of Winchester, "what shall we do? the king pulls; the pope hauls; and our French brethren have granted such a subsidy."—"This," replied Lincoln, "is the very circumstance, which should induce us to oppose it. Two acts make a precedent; let us not be the authors of the precedent now sought to be established." The advice was taken, and the demand avoided: but it was renewed in the following year. This produced an able letter from our prelate to St. Edmund, his former primate, who had recently resigned the archbishopric of Canterbury. The subsidy, however, was granted, but it was accompanied by a requisition for the redress of grievances. This the clergy presented to his majesty by a deputation, consisting of Boniface, the uncle of the queen, who had succeeded St. Edmund in the see of Canterbury; by William, bishop of Saram; Sylvester, bishop of Carlisle, and Aylmer, bishop of Winchester, the king's half-brother. "I am sorry," the king said with a sneer, on receiving it, "for all

* Matthew Paris, p. 849. Ann. Burt. p. 322.

“ the transgressions of which you complain ; I
 “ shall take care to correct what is past, and to
 “ avoid the like for the future ; and in this, I beg
 “ your concurrence. —It was in the very manner, of
 “ which you now complain, that I promoted you,
 “ Boniface, to the see of Canterbury ; you, William,
 “ from the lowest degree, to the see of Salisbury,
 “ and to the honour of being my secretary and
 “ chief justice ; you, Sylvester, from being a little
 “ clerk in chancery, to the see of Carlisle ; and you,
 “ brother Aylmer, in spite of the monks, and your
 “ want both of age and science, to Winchester.
 “ Surely, it is not less your duty than mine, that
 “ you should take the lead in the redress which
 “ you pray for, and resign your offices.” The pre-
 lates could only reply that the petition regarded
 not the past, but the time to come.

It is observable, that, though in the controversies
 which have been, and in others, which might be
 mentioned, the bishop of Lincoln took an active
 part against the king, yet he preserved through
 life, both the reverence and the regard of the
 monarch, of his family, and of the principal nobi-
 lity. No place was thought so proper for the
 education of the royal or the noble youth of his
 times as his episcopal palace.

VIII. 5.

Contests between bishop Grossetete and the Popes.

“ WE are now entering,” says doctor Perry in
 the manuscript, which we have mentioned, “ upon

“ the most remarkable, as well as upon the most delicate ; and we may add, the most glorious part of the bishop of Lincoln’s life : viz. those controversies, which he had with the head of the church, and wherein, like another Paul, he resisted Peter’s successor, or his officers in the see : but then, if it was with the zeal and courage of St. Paul, it was also with a like humility and respect for his superior.”

In a former page, we have mentioned the demand of pope Gregory the ninth, that the English hierarchy should provide certain Roman ecclesiastics with benefices. This was accompanied with a tax on every spiritual benefice in England. The proportion of it, which was to be raised on the diocese of Lincoln, amounted to 600 marks : the bishop generously eased his clergy from contributing towards it, by advancing the whole sum. Unfortunately, all the collection, and the legate Otho, the bearer of it, fell into the hands of the emperor, with whom the pope was then at war. The death of Gregory discharged the obligation of providing for the Romans. His holiness was succeeded by pope Celestine, a prelate commendable for piety and learning. He survived his election only eighteen days, and was succeeded by pope Innocent the fourth, who was elected at Lyons, about Midsummer 1243.

A council being called in that city, our prelate repaired to it, and was honourably received. The council held its first meeting in 1245 ; and the first measure of the meeting was to excommunicate and

depose the emperor Frederick. The sentence was pronounced by the pope, and confirmed by the prelates, holding lighted torches in their hands: it was committed to writing, was subscribed by all the prelates, and sealed with their seals.

Soon after this deplorable exhibition, the bishop of Lincoln returned to England: charged with three commissions from the pope,—one, by which his holiness recommended to the archbishop of York, the cause of the bishop of Servia, who had been banished by the emperor Frederick, for adhering to the pope in the contests between them; one, by which our prelate was enjoined to confirm his sovereign in his attachment to the holy see; and one, by which he was charged to raise one subsidy for his holiness, and one for Boniface the archbishop of Canterbury. When he executed the second of these commissions, the monarch made him a firm and temperate reply, in which, while he professed great devotion to the see of Rome in spirituals, he asserted, in the most explicit terms, the independency of the crown upon the pope in all temporal concerns. In the third commission, other prelates were joined with Grössetete, and they all reluctantly acted in its execution. A further subsidy being still required, and the diocese of Lincoln being assessed 6,000 marks towards its discharge, the bishop declared it to be an intolerable exaction, and declined to make the advance; but the assessment being afterwards modified, with the assent of the lords and commons, the bishop then contributed his quota.

The general alienation of the public mind from the court of Rome in consequence of these exactions, and the tendency of them to produce that defection which took place at a subsequent period, are described by Matthew Paris* in forcible terms. The reader will do well to compare them with the observations made by cardinal St. Julian†, at a time much nearer to the reformation, which we shall transcribe in a future part of this work‡.

When the Wickliffites and the other separatists from the see of Rome disturbed the church and state, in the following century, the predictions of our prelates, (as those of the celebrated Thaulerus and other distinguished personages of those times), were venerated as prophecies: but this was unnecessary: in these eminent men,

“ Old experience did attain

“ To something like prophetic strain”—

MILTON;

and enabled them to foresee the consequences of the scenes which shifted before them.

The demands of pope Innocent the fourth, and his officers at length rose to such a height, as made our prelate think resistance to them a necessary duty. What principally excited his indignation, was the amount of the ecclesiastical revenues possessed by foreign beneficiaries. Upon a computation, which he caused to be made of them, he found, that Innocent the fourth alone had impoverished

* P. 865.

† Hist. des Variations, lib. i. s. 1.

‡ Chap. x. s. 9,

the English church more than all his predecessors*; and that the yearly income of the foreign beneficiaries amounted to 70,000 marks, above two thirds more than the real revenues of the crown†.

Under the impressions suggested by his reflections on these and other circumstances, which have been mentioned, our excellent prelate, being then nearly in the eightieth year of his age, crossed the sea once more and presented himself to the pope at Lyons. Having transacted his other business, he placed in the hands of his holiness, two remonstrances;—one, against the abuses of the papal administration, particularly the excess of the provisions required for the foreign clergy, and the exemptions from episcopal jurisdiction, too frequently granted by the popes to religious houses; and one, against the exactions of the archiepiscopal see of Canterbury. The remonstrances were presented at a private consistory of select cardinals. We are not apprised what the feelings of the pope were on receiving them: but his holiness certainly exhibited no exterior symptom of displeasure, and the usual intercourse continued between the pope and the prelate.

But, in 1253, pope Innocent directed a letter to our prelate ordering him to provide Frederick de Lavinia, the nephew and secretary of his holiness,

* M. Paris, p. 858-859.—The same author, (p. 579,) mentions that the annual income of Henry did not exceed 40,000 marks or 26,836*l.* 13*s.* 4*d.* But he informs us that the revenue of William the conqueror amounted to 387,000 or 258,000 marks. All these calculations appear questionable.

† Pegge, 194.

with the first prebend in his cathedral which should fall vacant. Here, the prelate made his stand: he addressed a letter to the archdeacon of Canterbury, and to the pope's secretary, in which, after shewing the unfitness of foreigners to discharge parochial or any other spiritual duty in England, and after expatiating on the wickedness of persisting in a measure so ruinous to the souls of the faithful, he concludes by saying, that, "the holy see can do nothing, but for edification: that it is the plenitude and perfection of her authority, to do all things for edification: now, these provisions, as they are termed, are not for edification, but for manifest destruction; therefore, they cannot be issued out, or enjoined by the blessed see apostolic. No! flesh and blood, which cannot inherit the kingdom of God, have inspired them; not the Father of our Lord Jesus Christ, who is in heaven*."

That the pope was extremely offended by this letter, is certain: and it is said by some authors that he proceeded so far as to excommunicate Grossetete: but, as Mr. Lingard justly observes, "this rests on very questionable authority;" and the opinion of it probably arose from the "comminatory denunciations in the provision, which had been rejected†." Doctor Perry, in his manuscript life

* There are many printed and manuscript copies of this letter; the best edition of it, is in Browne's *Fasciculus*, vol. ii. p. 400. Browne supposes that it was addressed to the pope himself, and not to his delegates. Dr. Perry thinks it was addressed to the latter.

† Hist. vol. iii. p. 385, note 171.

of the bishop, weighs the conflicting authorities, and, on grounds, which appear conclusive to the present writer, decides for the negative. He cites from the works of our prelate many passages which make it clear, that, though in matters of discipline he occasionally defended with firmness the rights of the British church against the papal claims, he acknowledged, in all cases in which faith or morals are concerned, the supremacy of the mother and mistress see, and the duty of obedience to the spiritual legislation entrusted to her, in the person of Peter, by Christ.

On the receipt of the letter, which we have mentioned, the pope felt and expressed the strongest indignation; and, if we believe Matthew Paris, "called the bishop a deaf and doating old fellow: "swore, by St. Peter and St. Paul, that, if it were "not for his own good nature, he would make him "the fable and scorn of the world; and asked, if "the king of England was not his vassal, ready at "his beck to imprison and disgrace the prelate." The same author adds, "that several of the cardinals, particularly one Gyles, a Spanish cardinal, "then in his eightieth year, and of prudence and "integrity equal to his years, endeavoured to pacify "his holiness, saying to him, Holy Father! it would "be nowise expedient to decree any thing against "this bishop; for to be plain with your holiness, he "has written nothing but the truth; nor is he liable "to censure: he is a catholic, and a most holy "prelate, by far more religious than we are; and "of such an eminent life, that he is thought not to

“ have his superior or even his equal in the whole
 “ episcopal body. This is a point notorious to the
 “ French and English clergy. Nor could our op-
 “ posing him be to any purpose; the truth contained
 “ in this letter, would probably be made known to
 “ many, and would only raise against the apostolic
 “ see a host of enemies. For this prelate hath the
 “ reputation of being a great philosopher, an able
 “ linguist, perfectly skilled in Latin and Greek, a
 “ zealous asserter of justice, a professor of school
 “ theology, a preacher and instructor of the people,
 “ a lover of chastity, a persecutor of simony.”—The
 cardinal concluded by advising his holiness “ to
 “ wink at the letter as he wished to avoid dis-
 “ turbance, and say no more upon it; especially as
 “ it was well known that the separation must one
 “ day come*.” The same advice was given to his
 holiness by the other cardinals.

His holiness seems to have followed their advice; he refrained from harsh measures, and promulgated a moderate and conciliating document, which soothed the angry spirit of the time.

VIII. 6.

Death of bishop Grossetete.

THE dangers of the church dwelt much on the mind of our prelate. Almost in his last moments, he exclaimed against the measures of Innocent; and predicted their consequences. “ For now,”

* A remarkable expression, similar to some which we have noticed in this chapter.

says Matthew Paris, "he began to feel in his mind, "the great tribulation, which threatened the "church, but which we did not then foresee." The historian relates at length the discourse, which our prelate held on this important topic, while he lay on his death-bed.

He died in October 1253, universally beloved and respected; and, if we should believe M. Paris, God gave immediate testimony of his having been received into eternal happiness, by miracles wrought through his intercession. The fame of these, and the general opinion of his sanctity, were so prevalent throughout the realm, that, within fifty years after his decease, four solemn applications were made to Rome for his canonization: the first, by the university of Oxford; the second, by John le Romaine, archbishop of York; the third, by William Grenfield, archbishop of the same see; the fourth, by the dean and chapter of St. Paul's in Lincoln. All were unsuccessful: "still it is true," as doctor Pegge* justly observes, "that, for his learning "and abilities, he is still valued and revered in the "breasts of all reasonable men." From the time of his decease, till the period of the reformation, he was generally known by the appellation of "*The holy Robert of Lincoln.*"

"The holy bishop Robert," says Matthew Paris†, "departed out of this world, which he never loved, "and which was always to him as a place of banishment. He was the open reprover both of my lord "the pope and of the king; the censurer of pre-

* P. 219.

† P. 876.

“lates, the corrector of the monks, the instructor
“of the clergy, the supporter of scholars; the
“preacher to the laity, the punisher of inconti-
“nence, the diligent investigator of various writ-
“ings, and lastly, he was the scourge of the lazy
“and selfish Romans, whom he heartily despised.
“In the supply of the temporal table, liberal,
“copious, polite, cheerful and affable; in the
“spiritual table, devout, humble and contrite; in
“the episcopal office, diligent, venerable, and
“indefatigable.”

CHAP. IX.

A GENERAL VIEW OF THE STATE OF LITERATURE DURING THE MIDDLE AGES.

TO complete the succinct view, which we have attempted to give, in the preceding pages, of some of the principal events in the history of religion in England before the reformation, it appears advisable that we should add to them some historical minutes of the state of English literature during the same period :—they will be preceded by some observations on the literature of Greece and Rome, which the subject naturally suggests.

IX. 1.

The Literature of Greece.

THE arts and literature of Greece attained their summit in the reign of Alexander the great. Her

first authors were her *poets*: their fables and traditions seem to have contained all her religion, all that was known of her early history, and all the rudiments of her morality: they seem to have fixed her language, and, what is much more surprising, to have settled the principles of literary composition for every age. The poetry of the Greeks was generally sung; thus *music* was at once their earliest and most popular science. Their *historians* followed; then their *orators*. From the importance and celebrity, which they derived from their harangues, these gave rise to the *rhetoricians*, or those, who professed to teach the science of public speaking; and to the *dialecticians*, the teachers of an humbler rhetoric. But, long before any of their historians or orators of distinction had appeared, their scientific men and moralists, first, under the appellation of *sophists* or wise men, and afterwards under that of *philosophers* or lovers of wisdom, attracted public notice. The former addicted themselves to the study of nature; those, whose pursuits led them to observe the heavens, were called *astronomers*; the observers of the earth, were called *physicians*; *geometry* was subservient to both. Socrates called the attention of man to himself: to reason and act rightly, were, in his estimate of knowledge, the principal objects of man. For the former, his disciples formed rules of *logic*, for the latter, rules of *morality*. The *painters*, *sculptors* and *architects* of Greece were coëval with her orators. In every art and every science *grammar* and *arithmetic* necessarily had their part.

IX. 2.

The Literature of Rome.

ALL the useful and ornamental knowledge and acquirements of the Greeks were diffused over Asia and Egypt, by the Macedonian princes; and, when Greece submitted to the arms of Rome, all were transplanted to the territories within her pale. "Even Britain," Juvenal contemptuously exclaims, "now talks of hiring a professor of rhetoric."

But, in addition to these spoils of Greece, the Romans possessed, in a high degree of excellence, a science, which, though it conduces more than any, to public and private happiness, had been totally disregarded by the Greeks. To them, *jurisprudence*, as a liberal science, was unknown: their legal instruments and forensic proceedings were drawn up by a description of persons in little estimation among them, called *pragmatists* or practitioners;—but the knowledge of the laws of their country was never followed by them, as an occupation conferring importance and celebrity. Among the Romans, jurisprudence was always highly esteemed; it was studied on the most liberal principles, professed by the most distinguished persons, and led to the highest honours of the state.

The practice of *physic* was highly esteemed in Greece; but Dr. Middleton has invincibly shewn, against Dr. Mead, that, whatever celebrity might be acquired by individuals, the profession of medicine was not of great repute among the Romans.

With the reign of Trajan, the *golden age* of Roman literature expired : its *silver age* continued till the end of the last of the Antonines. This produced several works of elegance and taste ; but, as Mr. Gibbon, whose authority on the subject is certainly great, observes *, “ if we except the inimitable Lucian, the age passed away without producing a single writer of genius, who deserved “ the attention of posterity.” This decay of genius among the Romans is usually attributed to the establishment of the arbitrary power of the emperors, which, it is said, depraved the talents of their subjects. Yet Mr. Gibbon himself observes, that Longinus, who lived at the close of this era of Roman literature, possessed the spirit of ancient Athens ; and that in its *age of brass*,—to which we may assign the period between the reign of the last of the Antonines, and the final division of the Roman empire,—the poet Claudian acquired the absolute command of the Latin language, soared above his contemporaries ; and placed himself, after an interval of 300 years, among the poets of ancient Rome†. In this period also Ammianus Marcellinus produced an history of an interesting era of the Roman empire, which, for good sense and impartiality, will not suffer in comparison with any former Greek or Latin historian.—With the invasion of the barbarians, the *iron* or last age of Roman literature began ; with the extinction of the empire of the west, it expired, and a *base and discoloured age* commenced.

* Vol. i. ch. 2.

† Vol. iii. p. 30.

IX. 3.

The effects of the Invasion of the Barbarians on Literature.

THE general effect of this irruption into the Roman empire cannot be described better than by Dr. Robertson in his introduction to the Reign of Charles the fifth, and in the first pages of his History of America.

The barbarians assaulted the empire on every side : without distinction between what was sacred and what was profane, without respect for age or sex, they destroyed or ravaged all around them. In this general wreck, the arts, the sciences, all the inventions and discoveries of the Romans disappeared. The knowledge of remote regions was lost, their situation, their commodities, and almost their names were forgotten.

By degrees the fury of the invaders subsided, but, at first, this was attended with no advantage : the human mind neglected, enervated and depressed, sunk into the most profound ignorance ; and the lamp of science seemed extinguished in every part of the western empire.

IX. 4.

Probable exaggeration of the Ignorance and Superstition of the Middle Ages.

IN this description of the ignorance of the middle ages, there certainly is great truth ; but there is also some exaggeration. The following lines will

perhaps convince the reader that there is more ground, than is usually supposed, for believing,—that ignorance did not prevail in it, at any time, to the extent which has been generally imagined ; and that a much earlier period, than is usually thought, ought to be assigned to the revival of learning.

If any person were required to mention the time, in which, during the middle ages, the arts and sciences were at their lowest ebb in Europe, he would probably fix on the period which elapsed between the death of Charlemagne and the accession of the Capetian dynasty.—Now, an excellent dissertation by the abbé de Bœuf, on the state of the sciences in the Gauls, from the death of Charlemagne, till the reign of Robert king of France*, seems to establish, by very strong proofs, that, during the whole of this period, both sacred and profane literature, the civil and canon law, and the sciences of arithmetic, astronomy, geography, music, and medicine, were extensively cultivated. In England, during the same period, St. Dubritius had schools at Hentlan and Moch-rhes on the Wye ; and these were so well frequented, that they sometimes contained one thousand scholars: Ilturus taught with great success at Llan-twit, in Glamorganshire. Several scholars of these celebrated men, were afterwards eminent for knowledge both in England and Wales.

* *Recueil des divers Ecrits pour servir d'éclaircissement à l'Histoire de France*, 2 vols. Paris, 1738.

It is true, that many instances of gross and risible ignorance may be produced in these and in the ages which immediately followed : but, at a time, when there was so little intercourse, either between countries or individuals, it would easily happen that learning might exist, where ignorance was not distant. Even in the present state of society, when roads and posts have rendered every kind of intercourse so easy, a single family, cultivating, in a provincial town, the elegant arts with distinction, will render it a seat of polite literature, and give its inhabitants a general taste for learning, which no neighbouring place will possess. How much more frequently, must something of this nature have taken place, when communication of every kind was so difficult ! In such times, it might often happen, that the arts would abound in one monastery, or in one town, and be altogether neglected in the adjacent.—When, therefore, we peruse the histories of the times, to which we are alluding, we should not hastily conclude, from particular instances of ignorance in some places, that a considerable portion of learning did not exist in others.

A further argument against such a conclusion may perhaps be drawn from the state of architecture, and its ornamental appendages, throughout this period. No intellectual eye can behold our ancient cathedrals, without being struck with the sublime science and learned labour, which their construction must have required. Our ablest architects confess their ignorance of the means, by

which several of their elevated parts were raised, or continue to be supported. To these, we must add the works of gold, silver, and bronze, with which, in a less or greater degree, all of them abounded. When we survey these splendid exertions of art and science, and then consider the share of knowledge which they necessarily presuppose and imply, it is impossible to deny to the ages which produced them, a high degree of cultivation ; and, when we consider their number, it is equally impossible to imagine, that the knowledge, which raised or ornamented them, was not extensively disseminated.

IX. 5.

Probable revival of Learning, at an earlier period than is usually supposed.

THE reflections, which have been suggested, may, perhaps, incline the reader to think, that, in the times of which we are speaking, there was less ignorance and superstition than is generally represented. It may be added, that there are grounds to suspect, that the dispersion of these was earlier ; and that sound learning and science began to revive in Europe sooner than is generally imagined.

We shall shortly state some facts, which may be thought to prove this assertion, as it may be applied to the eleventh, twelfth and thirteenth centuries, particularly in respect to the state of literature in England during this period.

So early as the eleventh century, the arts and

sciences flourished, under the protection of the Mahometan princes of Persia, Bagdad, Africa, and Spain. In all these countries, the studies of medicine, astronomy, and dialectics, were cultivated with success, and the works of Aristotle, and of some other authors, were translated from the Grecian language into the Arabic. Something, too, of learning, and science, remained at Constantinople and in the adjacent provinces. By degrees, they attracted the attention, first of the Italians, and afterwards of the northern inhabitants of Europe; and many inquisitive spirits travelled in quest of learning to the Greeks of the eastern empire, or to the Arabians in Bagdad, Spain or Africa, and returned with considerable literary spoil. Of these, Gerbert, who afterwards became pope, under the name of Sylvester the second, deserves particular mention. A thirst of knowledge had led him to Cordova: in that celebrated seat of Moorish literature, he acquired an extensive knowledge of mathematics and astronomy. On his return to France, he attracted the notice of Adalberon, archbishop of Rheims; and, under his auspices, opened a school in that city. Hugh Capet and several of the principal nobility of France sent their children to it for education. "France," says M. de St. Marc*, "owes to him her taste for true literature: he was not satisfied with advancing it by his public lectures, and occasional publications; but by an extensive epistolary correspondence, he communicated his

* *Abrégé Chronologique de l'Histoire d'Italie*, vol. ii. p. 933.

“ discoveries to many, both in France and other
 “ states, and strove to kindle in them his own literary
 “ ardour. At a great expense, he collected
 “ a large library of ancient and modern books ;
 “ caused numerous copies of them to be made ;
 “ and distributed them wherever he thought they
 “ might be useful.” It is probable, that he first
 introduced into Europe the Arabic system of
 notation,—perhaps the most useful of modern discoveries
 in science*.

The twelfth century presents a visible increase
 of literary ardour. Mr. Berington, in his learned
 and interesting History of Abeillard and Heloisa,
 speaking of these times, observes†, that “ the
 “ schools, as we know, from the histories of the
 “ age, were not only filled with students, as at
 “ present, but men in years, persons of distinction,
 “ fathers of families, and ministers of state, after
 “ the toils of the day were over, crowded to them,
 “ as to a theatre of amusement.” The same writer
 adds‡, that, “ when Abeillard taught, in the con-
 “ vent of St. Denys, more than three thousand
 “ scholars are said by some authors to have at-
 “ tended his lectures. When he left this convent,
 “ and retired to the convent of Nogent in Cham-
 “ pagne, the lovers of science pursued and dis-

* It is observable, that in the preceding century, Campanus,
 a mathematician of Lombardy, had translated into Latin the
 Elements and Data of Euclid: the former was printed at
 Venice in 1482, the latter at Basle in 1546.

† Page 10.

‡ Page 127.

“ covered him;” and, “ before the end of the first year, exceeded six hundred. Situated in a forest, exposed to the inclement seasons, without a single convenience to smooth the rugged life, or without one amusement, except what literary pursuits, scientific conversation, and their own society could supply ;—in Abeillard, they saw the divine Plato ; in themselves, that illustrious group of disciples, which had given renown to the academic walks of Athens *.” We may lament, that the instruction given them was not more elegant, more sublime, or more useful ; but the thirst of knowledge, the mental activity of the scholars, it is impossible to deny ; ignorant, it would be injustice to call them. “ In the twelfth century,” says Dom Rivet †, “ men of letters were almost infinitely multiplied ; a prodigious number of writings on every subject, and sometimes of a very interesting nature, appeared.”

In the thirteenth century, the rays of science were brighter, and more generally diffused. The formation of the Italian republics raised, in every part of that ample territory, a spirit of mental energy, which equally discovered itself in commerce and the polite arts. Many edifices of the most exquisite gothic architecture were raised. Cimabue, the father of the modern school of painting, adorned them with the efforts of his art ;

* Page 123.

† Histoire Littéraire de France, vol. ix.—(Etat des Lettres en France dans le cours du douzième siècle.)

Brunelleschi revived, at Florence, the forms of ancient architecture; and Dante produced the *Divina Comedia* *.

In the Netherlands, the elegant arts equally flourished. No one, who has seen the long line of magnificent towns in Belgium, can have surveyed, without admiration, the many public edifices of exquisite and costly architecture, and the numberless works in marble, gold, silver, iron, and bronze, which decorate them : and of these, many may be traced to the period of which we are speaking.

In the same period, France discovered equal mental ardour. The church of Notre-Dame, at Paris, the façades of the churches of Rheims; and Notre-Dame at Rouen, and the cathedrals of Amiens and Strasbourg, show, that, in the architecture of the times, France did not yield to Italy. The number of her schools, or the multitudes, by whom they were frequented, make it evident, that she possessed an equal taste for general literature. Libraries began now to be formed. The foundations of the Bibliothèque Royale; at Paris, were laid at this time ; and Robert, (called of Sorbonne from a village of that name in the diocese of Rheims

* The legacy, which William king of Sicily, who had married Joan, a daughter of Henry the second, king of England, left to this monarch, shows both the wealth and progress of art in that period : it consisted of a table of gold, twelve feet in length, and one foot and a half in breadth ; a tent of silk, sufficiently capacious to hold 2,000 persons, 60,000 measures of wine, 60,000 of wheat, and 60,000 of barley ; with 100 gallies, equipped and provisioned for two years. Lingard's Hist. vol. ii. p. 155.

in which he was born,) founded the university of the Sorbonne;—collecting, moreover, for the use of its members, an extensive library. In 1289, it consisted of upwards of a thousand volumes—which were then valued at 3,812 livres, 10 sous, and 8 deniers—about 3,000 *l.* sterling, according to the present value of money.

The literary spirit of the times had been increased by the discovery, in 1137, of a complete copy of the Pandects of Justinian, at Amalfi. The wisdom and the justice of the laws, expressed in these, were immediately felt; and the study of them was pursued, with a kind of enthusiasm. They were introduced into several universities: exercises were performed, lectures read, degrees conferred, in this as in other branches of science: and most of the nations on the continent adopted the Pandects, if not as the basis, at least as an important portion of their jurisprudence.

If we compare the state of letters in England with that of foreign countries at this period, she will not suffer by the comparison. William the conqueror was learned, and a patron of learning: Henry the first, his youngest son, was the most learned prince and the greatest promoter of learning in his age; this procured him the surname of Beauclerc, or the fine scholar: Henry the second was the most powerful monarch in Europe; beside England and Ireland, he was master, in right of his father, of his mother, and of his wife, and by the annexation of Brittany to his other states, of more than a third part of the provinces which then composed the

French monarchy. He possessed great abilities, and inherited from his father a taste for literature and the arts. "When he could enjoy leisure," says Hume, "he recreated himself in conversation or in reading; and he cultivated his natural abilities by study, above any prince of his time." Throughout his reign, England made great advances in learning, and in the polite arts. If we were required to name the golden age of mediate literature, we could not assign any æra better deserving this appellation, than the reign of this monarch. It was distinguished by its improvements in architecture; particularly by an universal increase of dimension, the sharp pointed arch resting on the slender column, and the leafy moulding. These Mr. Miller* mentions among the characteristics of the Norman style of architecture. He supposes it to have flourished from the Norman conquest to the reign of John. At the close of his account of it, he says—"Let us not quit this topic, without paying a due tribute of admiration to the liberality and magnificence of those, whose mighty works we have been endeavouring to characterize. Almost all the cathedrals in England and Wales, a prodigious number of splendid monasteries and parish churches, in every part of the kingdom, were erected by them, in little more than one century." Considering the concomitant learning, which architectural eminence presupposes, it is impossible that this should have been a century of ignorance.

* Description of the Cathedral Church of Ely, p. 27.

All the three sons of Henry,—John, Geoffrey and Richard—had a considerable tincture of letters, and all were poets.

In 1091, when the abbey of Croyland was burnt, it possessed an armillary sphere, according to the Ptolemean system, which Ingulphus describes in the following terms : “ We then lost a most beautiful and precious table, fabricated of different kinds of metal, according to the variety of the stars and heavenly signs : Saturn was of copper, Jupiter of gold, the Sun of latten, Mercury of amber, Venus of tin, the Moon of silver. The eyes were charmed, as well as the mind instructed, by beholding the colure circles, with the zodiac and all its signs, formed with wonderful art, of metals and precious stones, according to their several natures, forms, figures and colours. It was the most celebrated and admired nadir in all England*.”

One of the most valuable monuments of the literature of the middle ages,—the Letters of St. Thomas of Canterbury and of his correspondents,—belongs to this reign. The writers express themselves with a conscious elevation of rank and character, with sense and spirit; they discover an extensive knowledge of sacred and profane literature; and their frequent allusions to the classics, show their acquaintance with these precious remains of antiquity. It is surprising that it did not lead them to a purer style. The same may be said of many

* Hist. Ingulphi. (Oxon. 1685), tom. i. p. 98, as cited and translated by Henry, book iii. ch. 4, s. 1.

of the historians of these times. Sir Henry Saville preferred William of Malmesbury to all other historians with whom he was acquainted, both for judiciousness and fidelity: bishop Warburton speaks in terms equally high of Matthew Paris.

But, the wonder of the thirteenth century is Roger Bacon. It is a disgrace to his countrymen, that neither a complete collection of his works, nor a full and able account of his life and literary labours, has yet appeared. He first studied at Oxford; thence he removed to Paris, and took the degree of doctor in that university. "After his return to "Oxford," says Mr. Chalmers, in his *General Biographical Dictionary*, "he was considered, by "the greatest men in that university, as one of the "ablest, and most indefatigable inquirers after "knowledge that the world ever produced; and "therefore, they not only showed him all due respect, but likewise, conceiving the greatest hopes "from his improvements in the method of study, "they generally contributed to his expenses; so "that he was enabled to lay out, within the compass of two years, no less than 2,000*l.*—(an immense sum for those times),—in collecting curious authors, making trials of various kinds, and "in the construction of different instruments, for "the improvement of useful knowledge." He was master of the Latin, Greek and Hebrew languages; deeply versed in all branches of mathematics; in the sciences of optics, geography, astronomy and chemistry. The composition and effects of gunpowder were probably discovered by

him : he certainly made great discoveries in chemistry. He had enemies ; but, he had many powerful friends, and he was patronized by every pope of his time. The encouragement, which he received from his countrymen, has been mentioned. A nation, in which there was so much science on one side, and so much patronage and encouragement of science on the other, could not have been generally unlearned. It must be added, that, while Roger Bacon was employed in the manner we have mentioned, John Holywood, or Johannes de Sacrobosco, as he is sometimes called,—(for whose birth Nithesdale, Yorkshire, Durham, and Dublin contend,)—was considerably extending the boundaries of science. He acquired from the Moors in Spain, and communicated, both to England and France, the system of circulating decimals,—the uttermost limit of pure arithmetic.

In fact,—so far, at the time of which we are speaking, had the spirit of literary ardour proceeded, and so widely was it circulated, that, in every southern and several northern states of Europe, there was an irresistible tendency to a new and better order of things. For a time, the religious controversies, which then began to disturb the world, rather retarded than accelerated the march of science and the general improvement of the human mind.

CHAP. X.

THE PRELIMINARIES OF THE REFORMATION.

THE chapter,—perhaps the most interesting in his works,—in which Mr. Gibbon gives an account of the Paulicians, professes to show, that there had long existed, in a numerous portion of christians, an anxious wish to simplify both the religious creed, and the religious observances of the times ; and several protestant writers have laboured to prove, that they would have been satisfied with a moderate reform. A different opinion is, however, maintained by Mosheim.—“ Before the reformation,” to use his own words*, “ there lay concealed, in almost every part of Europe, particularly in Bohemia, Moravia, Switzerland and Germany, many persons, who adhered tenaciously to the following doctrines, which the Waldenses, Wickliffites and Hussites, had maintained ; some, in a disguised, and others, in a more open and public manner :—that the kingdom of Christ was an assembly of true and real saints ; and ought, therefore, to be inaccessible to the wicked, and unrighteous ; and also exempt from all those institutions, which human prudence suggests, to oppose the progress of iniquity, or to correct and reform transgressions.” From these principles, they inferred, that, “ all things ought to be in com-

* Cent. xvi. c. 3, s. 2, 5.

“mon among the faithful; that, taking interest for
“the loan of money, tythes, and tribute, ought to
“be entirely abolished; that, in the kingdom of
“Christ, civil magistrates were absolutely useless;
“and that God still continued to reveal his will to
“chosen persons.”

Some protestant writers of eminence have defended the Waldenses, and the other denominations of christians, which have been mentioned, from the charges thus brought against them by Mosheim.

But both catholics and protestants agree that the opinions and conduct of the Waldenses, the Albigenses, the Wickliffites, and the Lollards, led to the reformation under Henry the eighth: with their history, some canons of the fourth council of Lateran, the establishment of the inquisition, and the proceedings of the council of Constance against John Huss, are connected:—a succinct account of all these occurrences shall now be presented to our readers: we shall then mention some remarkable publications, which show the general state of the public mind during the period which immediately preceded the reformation.

X. 1.

The Waldenses.

THE separations from the church of Rome, which we have noticed, began with the Waldenses. These most probably derive their origin from Peter Waldo, a rich merchant of Lyons, who, about the year 1160, from an impulse of devotion, converted all

his property into money, and distributed it among the poor. He was followed by many ; they were called "The poor men of Lyons." In imitation of the apostles, they began to preach and instruct : they wore a particular kind of sandal, and had other singularities. They were reprov'd by the clergy ; the pope enjoined them silence ; but they persisted in their practices, and applied to his holiness for an approbation of their institute ; and he, judging it to be irregular, and, in some instances, superstitious, rejected it.

They then proceeded to further excesses ; they affirmed, that the church had failed from the time of St. Sylvester, by possessing temporalities ; that it was unlawful for ecclesiastics to hold estates or prebendal possessions ; and that, like the apostles, they ought to work with their hands ; that no tythes should be paid to them, and nothing bequeathed to churches ; that bishops, by tolerating wars, were accessory to the murders which they occasioned, and themselves became murderers ; that it was not lawful to swear, even in a court of judicature ; that both the temporal and the spiritual process of ecclesiastical courts was unjustifiable ; that there was no foundation in scripture for purgatory, prayers for the dead, the observation of festivals, the invocation of saints, the veneration of images, crosses, or relics ; that any sacrament, administered by a priest in sin, was null. They did not deny transubstantiation, but their doctrine respecting it was erroneous in some respects : they rejected the canon of the mass, and recited, in the vulgar tongue, the words

of consecration: they taught that all men are priests.

Such were the principal tenets of the Waldenses; they spread over the Narbonnese Gaul, and thence, over certain vallies in Piedmont; in these, they were very numerous*.

X. 2.

The Albigenses.

THE Albigenses were a sect totally distinct from the Waldenses. It is known to every learned reader that Manicheism was an attempt of Manes, a native

* This account is taken from Mr. Alban Butler's "Lives of the Saints (*Life of St. Dominic, Aug. 4. note 6.*)" He extracts it from the writings of Rainerius Sacho, (who, from a minister among the Waldenses, became a catholic, and afterwards entered into the order of St. Dominic in 1250); and from Policdorfius, who wrote against the Waldenses about a century afterwards: both give the same history of their origin, and the same account of their errors.

Soon after the reformation, a curious correspondence took place between the Waldenses and Ecolampadius: it is inserted in Scultet's "*Annales Evangelii renovati,*" (*Hist. Lit. Reformationis*, p. 160). The consequence was, that soon afterwards Calvinism was established in Geneva: it was embraced by the Waldenses; but they retained with it a considerable part of their discipline.

The massacres of them at Mirandol and Cabrieres in the reign of Francis the first were most atrocious; but, when these are mentioned, the humane and truly christian conduct of cardinal James Sadolet, bishop of Carpentras, towards the unhappy sufferers, should never be forgotten. A valuable History of the Waldenses, (2 vols. 8vo. now in the second edition), has recently been published by Mr. Jones.

of Persia, to engraft upon the Gospel, the Persian system of the two principles, one eternally and sovereignly good, the other, eternally and sovereignly evil. The soul, and whatever is derived from it, proceeded from the former ; the body, and whatever was derived from the body, proceeded from the latter. To this, marriage and the use of animal food belonged. They rejected all the Old Testament, the Acts of the Apostles, the Epistles, and the Apocalypse, and thus retained no more of the Bible, than the four Gospels. They condemned war, except for necessary defence, and attributed the institutions of government to the evil principle*.

After the death of Manes, his European followers retreated into the east. They returned into Europe about the beginning of the ninth century, and, during that and the following centuries, spread themselves, under the various appellations of Paulicians, Albigenses, Popelicans, Bogards and Brethren of the Free Spirit, into several sects equally hostile to church and state : their reprobation of marriage led to general incontinence, and even to worse excesses ; their origination of government in the evil principle shook the foundations of all civil polity. — They reached England towards the middle of the twelfth century, but were rejected by public indignation.

They were more successful on the continent. Their first European settlement was in Bulgaria ;

* See " Mr. Alban Butler's Lives of the Saints (*Life of St. Augustine, Aug. 4, note 1*). " No work perhaps contains a more complete account of the Manichean heresy.

numbers of them found their way, in the armies of the emperor Frederick, into Italy; and thence penetrated into Provence, Languedoc and Gascony; their principal establishment was in the neighbourhood of Castres, which territory had been called the Albigensis since the fifth century: from this, they received their modern appellation. In 1022 several persons of distinction, who professed their principles, were discovered at Orleans; two canons of the cathedral church, who were considered to be their leaders, were burned; other executions followed; but the sect increased: they gained over to it the greater part of the inhabitants of Languedoc; and Raymond, count of Toulouse, marquis of Provence and duke of Narbonne, placed himself at their head.

The papal throne was filled at this time by Innocent the third; he sent missionaries into Languedoc to reclaim the heretics; but they met with little success, and some were massacred. The Albigenses then proceeded to greater excesses, and the pope published a crusade against them. The first successes of the crusaders forced the count of Toulouse into submission; the crusaders proceeded to Beziers, and put all the inhabitants to the sword; thence, they marched to Carcasson, and its inhabitants only avoided the same fate, by evacuating the town. After these exploits, the crusaders chose Simon, the seventh count of the illustrious house of Montfort-Amauri for their general. Under his command, they succeeded in most of their enterprises. The count of Toulouse breaking his en-

gagements, they declared war against him; in 1215, the city of Toulouse surrendered to them, and the pope, with the unanimous consent of all the chiefs of the crusading forces, conferred on Simon de Montfort their general, the administration of the county of Toulouse, the dutchy of Narbonne, and all the other states of count Raymond, to be held by feudal service of the king of France. Historians are agreed that the crusaders were guilty of the greatest excesses in the prosecution of this war. "In Languedoc," says Mr. Alban Butler*, "the crusaders exercised cruelties and injustices, which no principles could justify. Crimes and seditions are not to be punished or revenged by other crimes: avarice, ambition, or revenge, in many, only covered themselves under a cloak of zeal for religion."—The king of Arragon supported for a time the falling fortunes of the count of Toulouse; but the count de Montfort with an handful of men defeated the Arragonese army: the monarch, who commanded them in person, perished in the field. The count de Montfort then solicited from the pope, the investiture of the county of Toulouse and the other possessions, which, on the delinquency of count Raymond, had been committed to his administration.

* Life of St. Dominic, note 6.

X. 3.

Council of Lateran.

THE request of the count de Montfort was referred by the pope to the council of Lateran, which by a letter circulated over every part of christendom, his holiness had convened to meet at the patriarchal church of St. John at the Lateran gate, in the city of Rome*. It was attended by 412 prelates, among whom were the patriarchs of Constantinople and Jerusalem, and by 71 primates or metropolitan prelates; by 800 abbots or priors; and by a considerable number of deputies from absent dignitaries. Frederick, the emperor elect of Germany, the emperor of Constantinople, the kings of England, France, Hungary, Jerusalem, Cyprus and Arragon, and several princes of the second order, attended it by their ambassadors. The pope presented to the council seventy canons, which he had caused to be framed. The first, is a profession of faith, containing several counterpositions to the errors of the Albigenses, and a denunciation of anathema, against all the heresies, which it proscribed. The third canon orders that, "heretics shall, after their condemnation, be delivered over to the secular powers. The temporal lords are to be admonished, and, if it should be found

* Being the fourth council held in this church, it is usually called the fourth council of Lateran.—It is considered by roman-catholics to be the eighth œcumenical or general council.

“ necessary, compelled, by censures, to take an oath,
“ in public, to exterminate heretics from their territories. If the temporal lord, being thus required
“ and admonished by the church, shall refuse to
“ purge his land from heretical pravity, he shall be
“ excommunicated by the metropolitan and his
“ suffragans; on his neglect during twelve months,
“ to give them satisfaction, this shall be certified
“ to the pope, and upon such information his holiness shall denounce the offender’s vassals to be
“ absolved by law from their obligation of fealty,
“ and expose his land to be occupied by catholics;
“ who, having exterminated the heretics from it,
“ shall possess them, without any contradiction, and
“ preserve them in the purity of the faith,—saving
“ however, the right of the superior lord, provided
“ that he raise no obstacle to impede the proceeding. The same method of discipline is likewise to be observed towards those, who have no
“ superior lord.”

Such is this celebrated canon:—the advocates of the divine right of the pope to the deposing power, and the adversaries of the roman-catholic faith, are alike ready to bring it forward, as a solemn and explicit acknowledgment by a numerous and illustrious assembly, congregated from every part of christendom, and representing all its ecclesiastical and temporal powers, of the direct right of the pope to depose princes for heresy, and to punish, by confiscation, the person convicted of it.

Leaving to the transalpine divines the defence of the canon, if such be its real import,—catholics

in general either reject it altogether or construe it differently.

In the first place*, they assert that the canons were not decreed by the council, but merely propounded to it by pope Innocent for discussion, and that the members separated, without coming to any specific resolutions upon them. In support of this assertion, they cite several authorities: Matthew Paris in particular, who says, that "the canons were proposed by the pope, and appeared pleasing to some and burthensome to others." They also appeal to the language itself of the canons, which sometimes refer to the council, as a council previously held. 2dly, They contend, that the particular canon, which we have mentioned, is an interpolation, as it has not been discovered in any ancient manuscript†. 3dly, They observe, that the proceedings of the council had the concurrence of the civil powers, and so far as they related to temporal concerns, derived their authority and effect from the sanction, which these gave them, either by their ambassadors, or by subsequent confirmation or acquiescence‡. This, they observe, is evident from the conduct of the emperor Frederick:—Pope Honorius, who succeeded

* See Dupin, de Antiquâ Ecclesiæ Disciplinâ, p. 571. Collier's Ecc. Hist. book ii. p. 424.

† This is acknowledged by Collier, loc. cit.

‡ This is Bossuet's interpretation of the proceedings of the council.—See his "Défense de la Déclaration du Clergé de France, lib. iv. c. 1, 2, 3, 4,—où on démontré par l'histoire que l'église ne faisoit rien à l'égard des seigneurs et des affaires temporelles que de concert avec les princes et de leur consentement."

Innocent, requested him to insert the canon against heretics in the constitutions of the empire ;—this, they contend, is an evident acknowledgment by the pope himself, that, without the sanction of the emperor, the canon would have no temporal effect in his dominions. The emperor, in compliance with this request, inserted it in the constitutions, but with this important alteration, that he reserved to himself the power of disposing of the forfeited fees which the council had assigned to the pope*.—4thly, Admitting, however, the authenticity of the canon, and that it cannot be defended on the ground which has been suggested, still, say the advocates of the catholics, it was not a dogma of faith, or propounded as such by the council ; it was merely an ordinance of exterior discipline, which had no force upon individuals, till received by the ecclesiastical power, in what concerns the church, and by the civil power, in what concerns the state†.—5thly, Advancing still higher, they assert, that whatever the council understood or intended by the canon, its provisions, so far as they respected the forfeiture of the property of the heretics, related to a temporal concern, and therefore did not fall within the jurisdiction committed by Christ to his church ; so that, as acts of ecclesiastical power, they were absolutely null.

We have mentioned the application of Simon de Montfort to Innocent the third, for the investiture of the county of Toulouse, and that his holiness referred

* Goldastus, Const. Imper. tom. ii. p. 295.

† Dr. Milner's Fourth Letter to a Prebendary.

it to the council. After a long deliberation, the council conferred on him the county, and the other possessions, the administration of which had been granted to him by the pope, but under the obligation of holding them as a fief from the king of France.

The war continued ; and Raymond, the son of the count of Toulouse, recovered that city, and, having made his peace with the church and his sovereign, obtained a restoration of all his possessions. From this time, the cause of the Albigenses declined : they lost their distinctive name ; their Manichean doctrine of the two principles seems to have been forgotten, but their aversion to constituted authorities in church and state pullulated in other sects.

X. 4.

The Inquisition.

A LAW of the emperor Theodosius ordered the prefect of the Prætorium of the east, to appoint inquisitors of persons suspected of Manicheism. In 1184, pope Lucius, at the council of Verona, ordered bishops to inquire personally, or by commissioners, for heretics,—distinguishing them into four classes, the suspected, the convicted, the penitent, and the relapsed. On the appearance of the Albigenses in the Narbonnese Gaul, in the beginning of the thirteenth century, pope Innocent the third commissioned several ecclesiastics, among whom was St. Dominic, to make these perquisitions ; at the council held at Toulouse in 1229, by Romanus, cardinal of St. Angelo, a legate of the

pope, the inquisitors were put under certain regulations; the institution was finally organized by a bull of pope Innocent the fourth, and entrusted to the Dominicans. It has been received in the papal dominions; in Venice, Tuscany, Spain, and Portugal, and in some of the foreign settlements of the two last of these states: it was never received in England, Ireland, or Scotland; and notwithstanding many efforts of the pope, could not obtain a permanent establishment either in France or Germany. It takes cognizance of heresy, magic, sorcery, Judaism, and Mahometanism.

The suspicion of heresy,—under which word we include the other imputations,—is slight, vehement, or violent: against the first, slender contradictory evidence suffices; against the second, the evidence, to be satisfactory, must be very strong; the third, amounts to the highest presumptive evidence, and proof against it is not received.

A person thus convicted of heresy, either confesses or denies the offence. If he confesses it, and expresses his repentance, he is condemned to make an ignominious confession of it in public, to be imprisoned, and to fast on bread and water. If he refuses to express his repentance; or if, having repented, he afterwards relapses, he is delivered over to the secular arm to be burned, in conformity to the provisions of the secular law.

The inquisitor has a promoter-fiscal,—or general accuser,—a secretary, and familiars, or persons armed, who are to apprehend persons accused, and execute the other orders of the inquisitors.

When the person suspected or accused is taken before the inquisitor, he is generally acquainted, that he is charged with heresy, and the inquisitor exhorts him to confess his crime ; but no particular fact is specified, and the person charged is not informed who is his accuser. He is required to swear, on the crucifix and the Gospels, that he will speak the truth, upon every point, on which he is interrogated. If he refuses to take the oath, his guilt is supposed to be proved : if he refuses it, and denies his guilt, a long interrogatory follows, at the end of which, he is remanded to prison, his confinement being more or less rigid, according to the nature of the accusation, and the circumstances of the case. After some time, the charge is delivered to him, and a lawyer is assigned to him ; but the charge is expressed in very general terms : he is still kept ignorant of his accuser, and the witnesses against him ; and he is not permitted to hold any conversation with his lawyer, except in the presence of the inquisitor ; but he is allowed to object to the competency of the evidence of any person, whom he thinks proper to name, and to state the grounds of his objection : on these, the inquisitors are left to exercise their own judgment.—At the end of some time,—and the interval is often long,—he is again brought before the tribunal, and, if the inquisitor considers him to be guilty, he is required to confess his crime ; on his refusal, he is put to the torture, and this is sometimes repeated. Finally, if he is convicted either by his own confession, or by evidence, he is delivered to the secular power, and

condemned by them to death, to the gallies, to imprisonment, to a public whipping, or to some other punishment.

So acceptable to God, so honourable in the opinion of man, so useful to the cause of religion, and so serviceable to the state, were these proceedings once considered, that acts of faith, *autos da fé*, or the burning alive of Moors, Jews, or heretics, were heretofore often publicly exhibited in Spain and Portugal, with every religious and secular ceremony that could render the spectacle awful and magnificent: they were attended by the sovereigns, by their chief officers, a splendid military array, and an immense concourse of people.

Still,—to preserve some appearance of the aversion of the church to the shedding of blood, the inquisitor, when he delivers up the offender, implores, in terms of great earnestness, the secular judges to save the lives of the criminals delivered into their hands:—but this is a mockery of mercy, as excommunications have been denounced against all lay judges, who refuse or delay to execute the laws which condemn heretics to death.

Such is, or rather such, in its original construction, was the inquisition.—As a systematic perversion of forms of law to the perpetration of extreme injustice and barbarity, it holds, among the institutions most outraging humanity, a decided pre-eminence. Yet an informed and impartial reader will make some reflections:—1st, He will admit, that its crimes have sometimes been exaggerated.—2dly, While he admires the present equitable and

humane administration of criminal justice in England, he will recollect, that, during the middle ages, even in our own favoured country, but still more in the European states on the continent, all criminal process, especially in cases of treason, was conducted by unjust and merciless principles, and executed with circumstances of great cruelty;—that, in all such cases, torture might be applied to extort a confession of guilt; and that, even in England, it was not, until our own times, that counsel, in cases of treason, was allowed to the prisoner. The founders of the inquisition, especially as the imperial law assimilated heresy to treason, would naturally adopt the system of the secular codes, as a model for their proceedings.—3dly, He will see reason to suspect, that the number of those who perished by the fires of the inquisition, has not been so great as it has been represented. In the Book of the Sentences of the Inquisition of Toulouse*, the list of the criminals from 1307 to 1323, fills nineteen folio pages; now fifteen men and four women only of this number were delivered to the secular arm.—4thly, He will acknowledge, that Limborch, from whose History of the Inquisition protestants mostly derive their knowledge and form their notions of it, is universally considered to be a credulous and an inaccurate writer.—5thly, Politics often mixed with religion in the acts of the inquisition, and the sovereigns or ministers who counselled, should therefore share the blame of their proceedings.—6thly, From

* *Liber Sententiarum Inquisitionis Tholozanæ*, published by Limborch at Amsterdam in 1692.

the beginning of the seventeenth century till the present time, the ferocity of the inquisition has always been on the decrease.—7thly, Though the popes and sovereigns, and their particular adherents, favoured the inquisition, it was generally as much detested by catholics as by protestants. A gentleman*, whose testimony on this subject every catholic allows to be above contradiction, thus expresses himself on the inquisition :—“ No tribunal of an inquisition is an article of catholic faith or practice. It is a human law of policy or state government, in certain countries, which other kingdoms are no less jealous to exclude. It is even odious to an excess, in several catholic kingdoms, and a person may be a very good catholic, and entertain what sentiments he pleases of it.—The inquisition established in Italy and Spain, makes no term of the catholic communion, any more than the execution of the antitrinitarians, who suffered at Geneva, or under Henry the eighth, and queen Elizabeth in England, constitute a part of the protestant creed.—The Roman inquisition is certainly one of the mildest of courts; and there is no one that knows it, who would not, in most cases, rather have his cause tried there, than in any spiritual court in England. No execution has happened in it for above a century.—In Spain and Portugal that tribunal is indeed said to be of a different nature. But the inquisition in Spain is much misrepresented, both among the English and the

* Mr. Alban Butler, in his “ Remarks on the two first vols. of Mr. Bower’s Hist.” 1754, 8vo. p. 12–17.

“ French, as the sieur de Vairac, the impartial author
“ of the Present State of Spain, (1719), complains,
“ though himself no friend to any court of that
“ sort.”—8thly, It is very remarkable that, though
the recent order of the Cortes for its destruction,
was loudly and with great reason applauded by the
liberales, it gave no pleasure to the Spanish multi-
tude : in fact, the inquisition had long served in
Spain, rather as an aid to the police,—and some-
times, but not often, as a political engine in the
hands of a minister, than as an instrument of hosti-
lity towards heretics.—9thly, It was always thought
by the people, to be some bulwark, against the op-
pressions of them, by the sovereign and the nobility,
and some defence against flagrant violations of the
national constitution.—10thly, Finally,—he will
admit that the persecutions, which protestants have
exercised, not only upon catholics, but even upon
other protestants*, have been at least equally severe
and unjustifiable.

In the pontifical territories the inquisition is styled
the Holy Office. The discovery and destruction of
books, which are considered to be dangerous, be-
longs to its cognizance. By the direction of pope
Pius the fourth, a list or index of these was framed :
since that time it has been considerably increased.
The proceedings upon it are delegated at Rome,
to a congregation of the holy office, which is called,
from its object, the Congregation of the Index.
When the congregation has condemned a work,

* See the Fourth Letter to a Prebendary, by Dr. Milner,
sixth edition :—an excellent work.

and ordered it to be inserted in the list of condemned works, it is said to be put into the Index. The reading of such work is prohibited under pain of excommunication, and other severe penalties ; but the jurisdiction of this congregation is submitted to in those countries only, in which the inquisition is established*.

X. 5.

John Wickliffe.

THE celebrated John Wickliffe, rector of Lutterworth in Lincolnshire, was certainly the first, who produced that agitation in the public mind, which terminated in the reformation. In his discourses, sermons, and writings, he incessantly inveighed against the clergy ; he maintained that they were bound to lead a life of poverty, in imitation of their master ; he asserted, that the person who first endowed them, was the greatest of heretics and anti-christs ; and that their temporalities being solely given to them to be employed to the honour of God, might lawfully be diverted from them, when employed by them to any other purpose : that to pay tythes and dues to an incumbent, who spent his time in vanity and luxury, was to co-operate in his sins, and that secular lords were not only permitted,

* This account of the inquisition is taken chiefly from the *Institution du Droit Ecclesiastique*, of Fleury, troisième partie, c. 9, 10. Van Espen, *Jus Ecclesiasticum Universum*, pars i. tit. xxii. c. 3. *Histoire des Inquisitions*, by Marsollier Chanoine d'Usés, the elegant biographer of St. Francis of Sales.

but bound, under pain of damnation, to deprive of its possessions, a church habitually delinquent. The poverty of the regular clergy, did not, however, save them from his invectives; he applied to them the most odious epithets, and described the begging friars as a general nuisance. He seems to have thought, like Luther, on the real presence; like Calvin, on predestination; and, like Zuinglius, on the subordination of the church to the state: he generally spoke of the pope in the most contumelious terms, and often calls him antichrist. Yet he affirmed that prelates and priests ordained of God, come in the place of the apostles and disciples, and that the pope is the highest vicar, whom Christ has upon the earth. He asserted that oaths were unlawful, and that dominion, or the right to property, was founded in grace, or the person's being in the acceptance of God. On this head, he argued that forfeiture is confessedly the punishment of treason; that every sin was a treason against God; that the sinner forfeited by it whatever he held of God, and consequently—all right to authority or property, since, of whomsoever he might hold them immediately, they were derived to him originally from the Almighty Lord of all.

Eighteen propositions were selected from his works, and laid before pope Gregory the eleventh. By the order of his holiness he was summoned to explain his opinions before the archbishop of Canterbury and the bishop of London. Towards the end of the year 1377, he appeared before them. He exhibited his defence in writing: it cannot be said

to discover either talents or candour. Among other charges brought against him, he was accused of having said, "that charters of perpetual inheritance were impossible, as God himself could not give to man civil possessions for ever." Against this charge, he defended himself by saying, that, by the words, "for ever," he meant, "after the day of judgment:"—this, the reader must see, was an absolute subterfuge. We have noticed his position, that a temporal lord might take from a delinquent church its temporal possessions; this he defended by averring, that he meant not that temporal lords could do this of their own authority; but that they might do it, by the command of God, and God, he said, commanded it. The prelates, either satisfied by his explanations or intimidated by his protectors, dismissed him with an order to abstain from the use of language, thus calculated to perplex and mislead the ignorant. But he persisted in his attacks on the doctrines and proprietaryship of the clergy.

In 1382, the bishop of London convened a synod of his clergy, for the examination of the opinions of Wickliffe and his adherents; these, it should be observed, went greater lengths than their patriarch.—Four-and-twenty articles of doctrine, said to be inculcated by Wickliffe and his disciples, were censured; ten as heretical, fourteen as erroneous or of a dangerous tendency. From this sentence, Wickliffe appealed to the duke of Lancaster, and prayed his protection; this, as it was an appeal from a spiritual to a lay tribunal, on matters merely

doctrinal, gave general scandal, and was rejected by the duke. He advised Wickliffe to submit to the judgment of his ordinary. Wickliffe reluctantly consented, read a confession of faith in the presence of the archbishop of Canterbury and some other prelates. Retiring to his rectory of Lutterworth, he was suffered to remain in it without molestation. He died in the close of the year 1384. The moderation of the clergy in their conduct towards a person, who had so vehemently attacked both their doctrine and their possessions, and the effects of whose attacks were still sensibly felt, did them honour*.

Itinerant priests spread the doctrines of Wickliffe, probably with a considerable admixture of opinions still more extravagant of their own, over every part of England. They are charged† with maintaining that every prince or prelate, who falls into sin, loses his dignity or character, until he repents of his sin; with denying the freedom of human action, and the lawfulness of oaths in civil concerns, and with holding universities and scholastic degrees to be of pagan origin.

* This account of Wickliffe and his doctrines is extracted almost verbally from Mr. Lingard's Hist. of England, c. 20, but, after a comparison of what had been written on the same subject by Dupin, Collier, and Lewis.—The Life of Wickliffe by the last of these writers, is valuable for the original passages and documents, which it contains, but shows little general learning or discernment.

† Father Persons's "Three Conversions of England. " Part iii. ch. 3, p. 112."

X. 6.

The Lollards.

THE efforts of Wickliffe to produce a new order of things in the church, were aided by the turbulent spirit of innovation, which prevailed at this time, not only in England, but on the continent. The gradual diffusion of knowledge among the lower orders of men, the progressive improvement of their condition, and the consequent increase of their importance in society, produced in them a general wish to deliver themselves from the servitude, the oppression, and the aristocratic insolence under which they had so long suffered. This spirit discovered itself, nearly about the same time, in the commotions in France, in the mutinies in Flanders, and in the insurrection of the English populace under John Ball, a celebrated popular leader. The doctrines of liberty and equality, so widely and so forcibly disseminated in our days, were rudely but eloquently preached by him and his followers. They asserted the equal right of all mankind to all the goods of nature; they declaimed against all artificial distinctions in society; they demanded,

When Adam delv'd and Eve span,
Where was then the gentleman?

and they lamented that Adam had not asked for a patent of nobility to ennoble all his descendants.— These seditious and disorganizing principles were extensively spread: an odious tax, and some offensive circumstances which attended the collection

of it, gave rise to an insurrection of the people, in which an immense multitude, headed by the celebrated Wat Tyler, and a few other persons of the lowest extraction, proceeded to the greatest excesses against all the nobility and gentry who fell into their hands; and for several days they made London a scene of murder and rapine. The principles, by which they were influenced, resembled, in a great measure, those by which the French anarchists of our times were actuated; and, if the post and post-roads had then existed, would probably have produced the same effects*.

The rebellion was quelled; but both the religious and the civil principles, which had fed it, were perpetuated; the persons, to whom they were imputed, received the appellation of Lollards. A sect, with that name, had, before the appearance of Wickliffe, existed in Germany. Like these, the English Lollards declaimed against the clergy, they described them as associates of Satan, plunderers of the poor, usurpers of the revenue of the state, and therefore the real cause of the taxes imposed by parliament: they advised the people not to pay tithes, and meditated a general confiscation of ecclesiastical property.—An act of parliament was passed to repress this new sect†. The preamble

* The writer once asked the celebrated Mallet du Pan, which was the principal cause of the French revolution? Mallet answered,—“ Il y avoient cent mille causes : la poste, et les postes, y entraient pour quatre vingt dix neuf mille, neuf cent et quatre vingt dix neuf.”

† De hæretico comburendo. Rot. Parl. iii. 466. Wilk. Conc. iii. 252.

mentions that, divers unauthorized preachers went about teaching new doctrines and heretical opinions, misinforming the people, and daily committing enormities too horrible to be related ; it states the inadequacy of the ecclesiastical power to prevent their proceedings, and then authorizes the bishop to proceed against and to punish them by imprisonment, and a fine to the king ; and that if they should refuse to abjure their heretical pravity, or, after their abjuration, should relapse into it, they should be delivered to the sheriff, and burned on a high place, before the people. Other legislative proceedings against the Lollards followed : they did not subdue the boldness of their preachers, and seem to have been seldom executed. Four years later, upon a demand of the crown for an extraordinary supply, the commons recommended, in the true spirit of Lollardism, that the whole might be raised from the possessions of the church*.

Through the whole of the reign of Henry the fourth the Lollards increased, and at length formed a party, which threatened imminent danger both to the church and the state. In the beginning of the following reign, sir John Oldcastle, lord of Cobham, a nobleman, distinguished both by civil and military talents, placed himself at their head, and led them on to the most criminal enterprizes. They were baffled by the prudence and activity of the monarch. Lord Cobham was taken prisoner, and new laws were passed against Lollardism †.

* Lingard, c. 21.

† 2 Hen. V. c. 7.

By these proceedings, Lollardism was bent to the ground: but the spirit was unsubdued;—it continued to ferment in silence and obscurity, and gradually prepared the public mind for the religious innovations, which afterwards took place.

X. 7.

The Council of Constance.—John Huss.

IN consequence of the marriage between Richard the second and a princess of Bohemia, much communication took place between England and that kingdom; and the doctrines of Wickliffe found their way into the university of Prague. John Huss was favourable to some of the doctrines of Wickliffe, and professed to admire his writings and respect his memory. Dr. Heylin observes*, that, “many of the opinions of Huss, were so far from truth, so contrary to peace and civil order, so inconsistent with the government of the church of Christ, as to be utterly unworthy of so great a character: but,” continues the same writer, “such is the humour of some men, as to call every separation from the church of Rome, the gospel.” The archbishop of Prague forbade Huss to preach; the pope condemned his doctrine, and excommunicated him; the rector appealed from the sentence of his holiness to the council then convened to meet at Constance; he was formally summoned to appear at it, and Sigismund the emperor elect of Germany, gave him a safe conduct. It is expressed in the

* Animadversions on Fuller, p. 65.

following terms* ; “ Sigismund, &c. to all princes,
 “ as well ecclesiastical as secular, and to all our
 “ other subjects, greeting. We affectionately re-
 “ commend to all of you in general, and to every
 “ one of you in particular, the honourable Mr. John
 “ Huss, B. D. and M. A. the bearer of these pre-
 “ sents, going from Bohemia to the council of
 “ Constance; whom we have taken under our pro-
 “ tection and safeguard, and into that of the empire,
 “ desiring you, when he comes amongst you, to
 “ receive him well, and entertain him kindly, fur-
 “ nishing him with all necessaries for his dispatch
 “ and security, whether he goes by land or water,
 “ without taking from him or his, at coming in or
 “ going out, for any sort of duties whatsoever; and
 “ to let him freely and securely pass, sojourn, stop
 “ and repass; and providing him, if need be, with
 “ good passports for the honour and respect of his
 “ imperial majesty. Given at Spire, 18 Oct. 1414.”

The language of the passport seems to show, that it was extended to be a protection to Huss from all injuries, in going to Constance, or returning from it, not an exemption, if he should be found guilty, from the sentence of the council, or its consequences: to these, it should be observed, he had repeatedly and unequivocally submitted. Other circumstances render it evident, that he himself

* *Histoire du Concile de Constance*, par Jacques L'Enfant, 3 vol. 4to. Amst. 1714.—A work of great research, written with elegance, and generally with impartiality.—He transcribes the safe conduct in book i. No. 39.

understood the passport in this sense*. That this is the right construction of the safe conduct granted by the emperor appears to be clear, from this single fact, that Constance was a free city, and the acts of the emperor could not therefore have any authority within its precincts or territory.

When Huss arrived at Constance, he was courteously received; the pope assured him of his protection against all injustice, and, in some measure at least, took off his excommunication, by allowing him to say mass in private. But Huss said mass publicly, gave great offence by his discourse and writings, and attempted to escape. Being apprehended near the gates of Constance, he was put into confinement†.

It appears that Huss left Prague on the 11th of October 1414, and reached Constance on the 4th of the following November. It had been intended, that the first sitting of the council should be held towards the end of that month, but the members of the council did not meet so soon,—they did not proceed to business till the following March; and it was only on the last day of May, that they took the affair of Huss into consideration. He had three several hearings on three different days; the last

* See "An Answer to Mr. William Abernethy Drummond's Letter to George Hay, 8vo. Edinburgh 1778."—Mr. George Hay was a catholic bishop in Scotland, and the author of several pious and polemic works. In the present, he discusses fully and ably the case of John Huss, and the charge brought against catholics of their holding it lawful to break faith with heretics.

† See *L'Enfant*, b. i. No. 25, 26, 35, 62.

was held on the 8th of June. He was allowed counsel, the assistance of John lord of Chlum, a zealous friend and able adviser, and the utmost liberty of speech. Some of the tenets imputed to him, he disproved; some, he explained; some, were proved upon him; and these the council deemed evil, scandalous, seditious and dangerous heresies.

Many attempts were made to obtain a retraction of them from him:—"The cardinal of Florence," says L'Enfant*, "led him to hope for a formula of retraction so equitable and so mild, that perhaps he might accommodate himself to it. The emperor and several fathers of the council, made the same proposition to him, and joined in the same entreaties." Huss was inflexible; further time to consider them was granted him, and he was consigned to the custody of the archbishop of Riga: his confinement was far from rigid; he was allowed to converse with several, and to write to his friends.

In one of his letters he mentions, with gratitude, the generous conduct of Chlum, who followed him into prison: "O! what a comfort it was to me, to see that the lord John of Chlum did not disdain to give his hand to a miserable heretic in chains, and abandoned almost by the whole world!"

It is painful to proceed:—on the 6th of the following July, sentence was passed upon him: the council commanded him to be degraded from the

* Book iii. No. 10. The examinations of Huss before the council are extremely curious: L'Enfant gives an abridgment of them, book iii. No. 9.

order of priesthood. The ceremony of degradation followed, and the council then declared, that John Huss should "be delivered over to the secular arm; and did actually deliver him over to it; considering that the church of God had nothing more to do with him." He was accordingly placed in the hands of the magistrates of Constance.

By the established law of the empire, founded on the constitution of the emperor Frederick the second, which we have noticed, heretics were ordered to be burned alive in public. This sentence was accordingly executed on Huss: he underwent it with calmness and serenity, expressing to the last great sentiments of piety and resignation.

The specific heresies, for which he was condemned to suffer this punishment equally horrid and unjustifiable, have not been precisely ascertained. Bossuet* asserts it to be clear, "that Huss prayed to the saints, honoured their images, acknowledged the merit of works, the seven sacraments, and purgatory."—In another place, the prelate mentions it to be clearly proved, that Huss believed in transubstantiation, though he contended for the right of the laity to communion under both kinds. All that is said by Bossuet on this subject, seems to be admitted by L'Enfant†. After an elaborate discussion, the latter reduces the real grounds of the condemnation of Huss, to two, his invariable refusal to subscribe the condemnation of the doctrines of Wickliffe; and his having, by his sermons,

* Variations, livre xi. sect. 165, 166, 167.

† Livre iii. sect. 60.

his writings, and his violent and outrageous conduct, extremely contributed to the troubles, which then agitated Bohemia:—"This," says L'Enfant, "it is impossible to deny. Huss did not go the lengths of Wickliffe, though, speaking properly, he was Wickliffe's martyr, as it was from him, that he took all the principles, which brought his condemnation upon him, and which he would, in all probability, have avoided, if he had subscribed to that of the English doctor*." The

* A modern historian deservedly esteemed, (*Histoire des Allemands de Schmidt, traduite par J. C. de Veaux, professeur royale à Berlin, livre vii. ch. 14.*), says, that "Huss taught, among other things, that a secular sovereign was authorized, and in some measure obliged to seize the superfluous revenues of the clergy: and that this was the best method to bring them back to a life of decency, and to reform their manners.—These principles," continues the same author, "*were favourably received, not only by the multitude, but by the lower order of the clergy, who did the duty of the wealthy ecclesiastics and lived in misery. What particularly rendered Huss odious, was, his principles on the exterior power; and the hierarchy of the church;—a dangerous establishment, in his opinion, to secular states. For example, Huss taught that a pope, bishop or other prelate, who was in a state of mortal sin, ceased to be pope, bishop or prelate, In his explication of this article, he added that a king, in a state of mortal sin, was not king-worthy before the Lord, according to the expression of Samuel to Saul. 'Because thou hast rejected my name, the Lord has also rejected thee; look on thyself no longer as king.'* (1 Samuel xv. 22.) Huss also held, that it was by no means likely, that it was essential to a church to have a visible head, to govern her in spiritual concerns. (L'Enfant, l. iii. sect. 8.) In fine, he clearly discovered that he thought the condemnation of the propositions of Wickliffe to be unjust; though it appears

council proceeded afterwards to the condemnation of forty errors extracted from the writings of Wickliffe.

X. 8.

Other remarkable Decrees of the Council of Constance.

THE subject of these pages requires that some notice should be taken of the two other canons of the council of Constance.

1. The council declares, by its nineteenth canon, that "every safe conduct granted by the emperor, by kings, and other temporal princes, to heretics, or persons accused of heresy, in hopes of reclaiming them, ought not to be of any prejudice to the catholic faith, or to the ecclesiastical jurisdiction, or to hinder that such persons may and ought to be examined, judged and punished, according as justice shall require, if those heretics refuse to revoke their errors, even though they should be arrived at the place, where they are to be judged, only upon the faith of the safe conduct, without which, they would not have come thither: and that the person, who shall have promised them security, shall not, in this case, be obliged to keep his promise, by whatever tie

"in one of his writings, that he did not approve them entirely. —In general it is difficult to determine, what the doctrine of Huss on all points really was. In his writings he often contradicts himself. Till his death, he protested, that many doctrines were falsely attributed to him, and that many were unfaithfully extracted from his works."

“ he may be engaged, because he has done all that
“ is in his power to do *.”

This canon has been construed to contain, and certainly must sound to every person unacquainted with the civil and ecclesiastical jurisprudence of the times of which we are writing, as containing a declaration of the council, that it was lawful for sovereign princes to permit safe conducts granted by them to heretics to be violated, by reason of the heresy of those to whom they were granted. But all who are acquainted with the jurisprudence of these times, must be aware, that the import of the canon is very different. It only intimates that, when any prince grants a safe conduct, which conflicts with the faith or morals of the church of Christ, or with the legal or constitutional rights of the church of the state, he has exceeded his legitimate authority, and that this exercise of his power is consequently null. Such, certainly, is the tenet of every protestant state, whether episcopal or presbyterian. If a person should now publish, within any part of the united empire of Great Britain and Ireland, a work against the Trinity, and make some place beyond the seas, his residence; and his majesty should grant him a safe conduct to any part of his cis-marine dominions, both in going and returning, would this safe conduct protect the offender against the process of any of his majesty's civil or spiritual courts?—Would they even allow it to be pleaded?—Other defences of this canon might

* *L'Enfant*, l. iv. No. 32. We copy the translation of this canon by bishop Hay, *Letter to Abernethy*, p. 126.

The council of Constance is eminent by the number and character of the persons present at its deliberations, the regularity of its proceedings, and the wisdom and energy of its decrees. It was attended by thirty cardinals, four patriarchs, twenty archbishops, three hundred bishops, and a thousand other ecclesiastics*. The emperor Sigismund, and several electors and princes of the second order, assisted at it in person; the other European princes of the first order, and several of the second, were represented at it by their deputies.

The council voted by nations: christendom was supposed to be divided into five; the Italian, the German, the French, the Spanish, and the English; but the admission of the latter was opposed by the French, and was the subject of a great national contest; the French ambassadors contending that christendom was essentially distributed into the four first of these nations, and that the lesser kingdoms, as England, Denmark, Portugal, and others of the same description, were comprehended under one or other of these divisions.—To this, the English ambassadors opposed the extent, the power, and the dignity of the British Islands, which, with England, Scotland, the four kingdoms of Ireland, and the Orkney Islands, were decorated with eight royal crowns. The arguments of the English ambassadors, assisted perhaps by the victories in France of Henry the fifth, their monarch, prevailed;

* L'Enfant, pref. iv. Bellarmine, Lib. de Conc. et Eccl. cap. vii.

and the council decreed the English to be a fifth and co-ordinate nation*.

A good history of the *Historia Reformationis ante Reformationem*, (an expression familiar to the writers on the continent) is much wanted.—We are informed by the editors of Beausobre's *Histoire de la Réformation*, that something of this kind was found among his papers, with the title of *Préliminaires de la Réformation*; if it has issued from the press, it has not found its way to London. The abbé Barruel promised the public an *Histoire du Jacobinisme du Moyen Age*, but has not performed his promise.

It is not easy to mention, with precision, either the tenets generally imputable to all the separatists from the church, whom we have occasion to notice in this chapter, or the tenets which distinguished one class from the other†. The grand distinction

* See “Hermanni Von der Hardt, *Historia Œcumenica Concilii Constantiensis*. Francofurti 1697, (6 tom. in 3 vols. fol.);”—tom. iv: a rare work; for the loan of which and several other rare and important works, the author is indebted to the liberality of the University of Cambridge, which he takes this opportunity of gratefully acknowledging.—L'Enfant abridges these proceedings, tom. ii. p. 447, &c.—They are summarily noticed by Gibbon, c. 70, note 75.

† The best account of these, which has fallen under the eye of the writer, is to be found in father Persons's “Three Conversions of England,” part iii. c. 3.—He states in it, briefly but perspicuously, the distinctive doctrines of each class, and shows their several agreements and disagreements with the catholic and the established church. Father Persons had not the advantage of perusing several learned and curious histories and compilations, which have appeared since his time; but he

is into the Albigenses and Waldenses, and their respective followers. All the contemporary writers represent the former as holding principles equally destructive of religious, civil, and social order; and as endeavouring to spread their doctrine by violence and fraud. These horrid principles and practices cannot be imputed to the Waldenses, or the first filiations from them. But, in the course of time, some portions even of these seem to have adopted, in a greater or less degree, the obnoxious principle, that right to dominion, proprietorship, and magistracy, in church and state, is founded in grace, and that the right to them ceases, where grace is lost. The authority of the council of Constance, and the increasing diffusion of learning, and of the light which always accompanies it, showed the folly and perniciousness of these opinions: the controversies, generated by the reformation, took a different turn:—but even in these, as among John Knox and his primitive disciples, something of the kind is too often discernible.

lived nearer to the period of these events, and consulted original authors.—The 11th book of the *Variations* is dedicated to the same subject, and abounds in excellent matter, and vigorous argument: but the polemic is sometimes too discernible. It is to be wished that we had the work of some Albigensian or Waldensian, who related the history of his own party.

X. 9.

Remarkable Publications during this period.

IN his "State of Europe during the Middle Ages *,"—Mr. Hallam has accurately described the state of the public mind at the time to which this chapter relates:—"The rich envied and longed to plunder the estates of the superior clergy; the poor learned from the Waldenses, and other sectaries, to deem such opulence incompatible with the character of evangelical ministers: the itinerant minstrels invented tales to satirize vicious priests, which a predisposed multitude eagerly swallowed."

The most important of these satirical poems is "The Visions of Pierce Plowman," published towards the middle of the fourteenth century, and attributed to Robert Langland, a secular priest and fellow of Oriel college in Oxford; it consists of a series of visions, which happened to the poet, as he slept on the Malvern hills in Worcestershire. In strong allegoric painting, he describes a multitude of corruptions and superstitious practices, which he charges on the clergy. "Pierce the Ploughman's Creed," is generally subjoined to the Visions. The author feigns himself to be ignorant of his creed; he applies for instruction to the four religious orders,—the grey-friars of St. Francis, the black-friars of St. Dominic, the Carmelites and

* Chap. vii.—a work of research and observation.

Augustinians. Each advises him to beware of the other, but none gives him the instruction he solicits; this, at length he receives from Pierce a poor ploughman, who resolves his doubts, and instructs him in the principles of religion. The writer was evidently a follower of Wickliffe, and mentions him with honour.

Before the appearance of either of these works, William, called from his native place, of Occam in Surrey, a fellow of Merton college in Oxford, arch-deacon of Stow in Lincoln, a friar minor and definitor of the whole order of St. Francis, had attacked the claim of the popes to the deposing power, by "A Dialogue between a Knight and a Clerke concerning the Power spiritual and temporal," afterwards printed by Berthelet with the privilege of Henry the eighth. The whole of it is transcribed into the celebrated "*Songe du Vergier*," ascribed to Raoul de Presles, who lived in the reign of Charles the fifth, in France*. Posterior in date to these two works, but written on the same principles, is "*Le livre appellé Songe du vieux Pelerin*," "addressant au blanc Faucon à bec et piéz doréz," "fait par Messire Phelipe de Maisière, en son etre, chevalier chancelier de Chippre†;" it was published about the year 1397; and has often been confounded with the *Songe du Vergier*, but it is quite a distinct work.

Wetstein, in the introduction to his edition of the

* See Oldys's Librarian, p. 5.

† See the Dissertation et Analyse in Durande de Maillane's *Libertés de l'Eglise Gallicane*, tom. iii. p. 504.

New Testament, mentions, that, in the dispute, which the Franciscans had with pope John the twenty-second, the rebel party gave that explanation of the Revelations which makes the pope anti-christ. Many of them embraced the reformation, carrying with them into it this capuchin discovery. Mosheim* says that “these rebellious Franciscans, though fanatical and superstitious in many respects, deserve nevertheless an eminent rank among those who prepared the way for the reformation:” the informed reader, probably, will not think that they add to its titles of honour.

Whatever may have been the principles of the persons, to whom we have just alluded, it is at least certain, that they produced a considerable degree of ferment. “The minds of men,” says cardinal Julian, in a letter to pope Eugenius the fourth, “are big with expectation of what measures will be taken; and are ripe for something tragical. I see the axe is at the root: the tree begins to bend: and instead of propping it, whilst we may, we hasten its fall.” The whole of this letter,—a copious extract from which is given by Bossuet, in the first pages of his Variations,—is inserted in the works of Æneas Sylvius, afterwards pope, under the name of Pius the second. It is a remarkable monument of political foresight, and deserves the perusal of the reader†.

* Ecc. Hist. Cent. xiii. part. ii. ch. 2, note (m).

† The *Commentaire du chevalier Folard sur Polybe*, published in 1727, contains the following prediction, equally remarkable, of the French revolution:—“A conspiracy is

CHAP. XI.

HENRY THE EIGHTH.

COMMENCEMENT OF THE REFORMATION.

1517.

WHILE the general spirit of the public was in the state, which we have described, a circumstance took place, which immediately led to the reformation. Pope Leo the tenth published a General Indulgence, and employed several persons to preach and distribute it among the faithful.

The charge of doing this in the electorate of Saxony, he committed to Albert, archbishop of Mentz and Magdeburgh. This prelate employed on the occasion, John Tetzel, a Dominican friar, ignorant and insolent; but possessing no small share of popular eloquence. The terms, in which he described the indulgences, and announced their effects, excited general disgust.

The celebrated Martin Luther was, at this time, professor of theology in the university of Wittemberg, on the Elbe. He had taken the degree of doctor, and possessed great reputation and autho-

“ actually forming in Europe, by means at once so subtle and
“ efficacious, that I am sorry not to have come into the world
“ thirty years later, to witness its result. It must be con-
“ fessed, that the sovereigns of Europe wear very bad specta-
“ cles. The proofs of it are mathematical, if such proofs ever
“ were, of a conspiracy.”

city. In the most explicit and bold language, he harangued in the great church of that city, both against the indulgences and the manner in which they were dispensed. In September 1517, he published ninety-five propositions, expressing his sentiments respecting them. These were universally read, and produced the greatest sensation. The notions, which they conveyed, and the consequences to which they evidently led, alarmed the see of Rome. Some attempts were made to silence and pacify Luther. Tetzel was condemned; and soon afterwards, loaded with general detestation, died of grief and despair. Miltitz, a Saxon knight, a person of learning, prudence and address, was then employed by the Roman pontiff to confer with Luther. The conferences seem to have been conducted in a manner, which promised an amicable settlement; but, before they came to a conclusion, Leo issued a bull, dated the 25th June 1520. In this memorable document, he solemnly condemned forty-one propositions, extracted from the writings of Luther; ordered his writings to be burnt, and summoned him, under pain of excommunication, to retract his errors within sixty days. The sixty days expired without any retractation,—and it was generally understood, that the pope was proceeding to issue a formal sentence of excommunication. To anticipate it, the reformer, on the 19th of December 1520, caused a pile of wood to be erected without the walls of the city of Wittemberg; and there, in the presence of an immense multitude of

people of all ranks and orders, committed to the flames, both the bull, which had been published against him, and those parts of the decretals and canons, which particularly related to the pope's jurisdiction. By this proceeding, Luther formally withdrew himself from the communion of the see of Rome. On the 6th of the following month of January, the pope issued a second bull, pronouncing Luther an obstinate heretic, and excommunicating him. Some time afterwards, in the execution of the bull, he appointed Luther's books to be burnt at Rome. Luther, by way of retaliation, assembled all the professors and students of the university of Wittenberg, caused a fire to be lighted, and cast the bull of excommunication into the flames.

He proceeded to attack other doctrines and practices of the church of Rome. Justification, and the efficacy of the sacraments, were the objects of his hostility. "The justification of a sinner," to use his own language, "was the principle and source, from which all his doctrines flowed." So great, in his opinion, was the importance of this article of faith, that he thought himself warranted in asserting, that, "while the doctrine upon it was pure, there would be no reason to fear, either schism or division; but that, if the true doctrine of justification were once altered, it would be impossible to oppose error, or stop the progress of fanaticism*."

* *Lutheri Opera*, ed. Jenæ, 1561, tom. vi. p. 13; tom. iii. p. 189.

In the historical and literary account of the formularies, confessions of faith, or symbolic books, of the roman-catholic, Greek, and principal protestant churches, written by the author of these pages, the reader will find a very accurate statement, drawn up by father Scheffmaker, a jesuit of Strasbourg, of the difference between the roman-catholic and the Lutheran churches concerning this important article.

With respect to the sacraments, the catholic church believes them to be seven,—baptism, confirmation, penance, the eucharist, holy orders, extreme unction, and matrimony: Luther confined them to two,—baptism and the eucharist. In opposition to the catholic doctrine of transubstantiation; he contended, that, in the sacramental elements, the bread and wine, and the body and blood of Christ, existed together. When the language of the epistle of St. James was opposed to his doctrine on the subject of justification, he absolutely denied its authenticity.

This short account of the principal religious tenets, in which the Lutheran differs from the catholic church, was necessary, and will suffice for the object of the present pages.

CHAP. XII.

HENRY THE EIGHTH RECEIVES FROM THE POPE
THE TITLE OF DEFENDER OF THE FAITH.

1521.

AT this time, the throne of England was filled by Henry the eighth. He was zealously attached to the roman-catholic faith; and the theological opinions of Luther no sooner found their way into his dominions, than they were marked by the monarch's indignation. He had been originally designed for the church; and, on that account, had received an early tincture of scholastic erudition. He particularly venerated the writings of St. Thomas of Aquin. Most historians remark, that his dislike of Luther was much increased by the contemptuous terms, in which the reformer spoke of that voluminous father. The monarch had also a taste for classical learning, and was a warm admirer of pure latinity: he loved the conversation of literary men; was often the subject of their adulation; and to him, many of them dedicated their works. "Learning," says Erasmus, "would triumph, if we had such a prince at home, as England has. The king is not unlearned; and has a sharp wit. He openly protects literature, and imposes silence upon brawlers." It is not, therefore, to be wondered, that the spirit of

authorship should fall upon the monarch ; or that he should choose, for his subject, a theological theme. Cardinal Wolsey, bishop Fisher, and others, are said to have assisted him, in the composition of this work. It was written in Latin, and intituled *Assertio Septem Sacramentorum adversus Lutherum* ; which may be translated, The Defence of the Seven Sacraments against Luther : it was particularly opposed to Luther's treatise, *De Captivitate Babylonica*. It is dedicated to pope Leo the tenth ; and treats, under separate heads, of the eucharist, penance, satisfaction, confirmation, matrimony, holy orders, and extreme unction. It is written with order and perspicuity, and with such force of argument, that Mr. Collier * says, that " the king had " the better of the controversy, and was, generally " speaking, the sounder divine ;—superior to his " adversary in the vigor and propriety of his style, " the force of his reasoning, and the learning of his " quotations."—He adds, that " his manner was " not altogether unexceptionable ; and that he " leant too much on his character ; argued in his " garter robes ; and wrote, as 'twere, with his " sceptre." It is observable, that the terms, in which Henry expressed himself, respecting the supremacy of the pope, were stronger than sir Thomas More thought it prudent for him to use. " I moved the king's highness," says sir Thomas, in his Letter to Cromwell, " either to leave out that " point, or else to touch it more slenderly ; for " doubt of some things, as might hap to fall in

* Ecclesiastical History, vol. ii. p. 17.

“question between his highness and some pope ;
 “as between princes and popes, diverse times,
 “have done : whereunto his highness answered
 “me, that ‘ he would, in nowise, minish in that
 “matter*.’ ”

His majesty sent by doctor Clarke, dean of Windsor, his ambassador at Rome, a copy of his work, sumptuously bound, to pope Leo the tenth.

* One of the passages, which drew the suggestion mentioned in the text from sir Thomas More, is said to be the following :
 “Luther cannot deny but that all the faithful christian
 “churches at this day do acknowledge and reverence the holy
 “see of Rome as their mother and primate, &c. And if this
 “acknowledgment is grounded neither on divine nor human
 “law, how hath it taken so great and general a root ? How
 “was it admitted so universally by all christendom ? When
 “began it, how grew it to be so great ?—Yea, and the Greek
 “church also, though the empire was passed to that part, we
 “shall find that she acknowledged the primacy of the same
 “Roman church, but only when she was in schism. Whereas
 “Luther so impudently doth affirm that the pope hath his
 “primacy by no right, neither divine nor human, but only by
 “force and tyranny. I do wonder how the mad fellow could
 “hope to find his readers so simple or blockish, as to believe
 “that the bishop of Rome, being a priest unarmed, alone,
 “without temporal force or right, either divine or human, (as
 “he supposed) should be able to get authority over so many
 “bishops his equals, throughout so many and different nations,
 “so far off from him, and so little fearing his temporal power ?
 “or that so many people, cities, kingdoms, commonwealths,
 “provinces and nations, would be so prodigal of their own
 “liberty, as to subject themselves to a foreign priest, (as now
 “so many ages they have done,) or to give such authority
 “over themselves, if he had no right thereunto at all ?”—
 See Dodd’s Church History, vol. i. p. 95, from which the
 passage is transcribed.

At a solemn assembly of cardinals, the ambassador, after a set speech, delivered it into the hands of his holiness. The pope received it most graciously ; expressed himself in high terms of praise, of the zeal and learning of the royal author, and caused the copy to be deposited, with great ceremony, in the Vatican. By a bull, dated the following October, he conferred on the king the title of “ Defender of the Faith ;” and “ ordered all the faithful “ in Christ, in their verbal and written addresses “ to the monarch, to add, after the word ‘ king,’ “ the words, ‘ Defender of the Faith.’” With this honour his majesty was extremely gratified.

But neither the arguments, nor the rank of his royal adversary, nor the title conferred upon him by the pope, dismayed Luther : he published a reply, replete with arrogance, and the foulest abuse*.

At a subsequent period, Luther apologised to the king, for the style of his letter. He seems, by his

* Some of his expressions we insert, in the words of the text : for an English reader would not endure a translation of them.—“ Hoc agit inquietus Satan, ut nos a scripturis “ avocet, per sceleratos Henricos, et sacrilegos Thomistas. “ Hæc sunt robora nostra, adversus quæ obmutescere coguntur Henrici, Thomistæ, papistæ, et quidquid est facis, “ sentinæ, et latrinæ, impiorum, et sacrilegorum ejusmodi. “ Indulgendum esset, si humano more erraret ; nunc, quum “ prudens, et sciens, mendacia componat adversus mei regis “ majestatem in cælis, damnabilis putredo est, et vermes, “ jus mihi erit, pro meo rege, majestatem Anglicanam, luto et “ stercore conspergere ; et coronam istam, blasphemiam in “ Christum, pedibus conculcare.”

apology, to discover, that he had then some hopes of the monarch's favouring the reformation. But he expresses himself, in severe language, concerning the pope and cardinal Wolsey; and the reader will think, he was a bad politician, in those parts of his letter, in which he intimates, that his majesty was not the real author of his work: this, certainly, was touching the king in a very tender part.

The king returned an answer; but it was not, in general, written in those terms which were calculated to please Luther. Henry imputes the troubles of Germany to the writings of the reformer, and exhorts him to retire from the world; to quit his engagements with the nun, whom he had married, and to spend the remainder of his life in discipline and penance. In reply to that part of Luther's work, in which he intimates, that his majesty's work was written by others, the royal author says, "and although ye fayne yourselfe to
" thynke my booke not my owne, but, to my re-
" buke, (as it lyketh you to affyrme), put on by
" subtell sophisters; yet, it is well knowne for
" myne, and I, for myne, avouch it." The style of Henry's answer provoked Luther exceedingly: he declared, he would throw away no more civilities upon him.

It remains to observe, on the subject of this controversy, that, in 1523, Fisher, bishop of Rochester, entered the lists, by a work against Luther, intituled, "*Assertionis Lutheranæ Confutatio.*" Henry was extremely pleased with it; and, by letters patent,

conferred on the prelate, the exclusive right of printing it, during the course of three years*.

Henry's work is still preserved in the Vatican library. The following verses are subjoined to it; and the name of the monarch is written under them with his own hand.

Anglorum rex Henricus, Leo Maxime, mittit
Hoc opus, et fidei testem, et amicitiae.

The bull, by which Leo granted the title of Defender of the Faith to Henry, is still preserved in

* The first edition of the work of Henry the eighth is in particular request. It is intituled "*Assertio Septem Sacramentorum aduersus Martin. Lutherū, &c. Apud inlytam vrbem Londinum in ædibus Pynsonianis. An. m.d.xxi. quarto Idus Julij. Cum privilegio a rege indulto.*" quarto. The earl Spencer possesses a magnificent copy of it, upon vellum, splendidly illuminated.—A collection, containing, 1st. The speech of Dr. Clarke, when he delivered the work to the pope; 2dly. The answer of the pope; 3dly. The bull of the pope, confirming the work; 4thly. A summary of the indulgences, granted to the readers of it; 5thly. The royal book, libellus regius; and 6thly. The letter of the king to the dukes of Saxony,—was printed by Pynson, in the same year; and reprinted at Strasbourg in the following year, with a preface by Erasmus. The letter of Henry the eighth to Luther was printed by Pynson, both in English and Latin.—This account of the editions of these works is taken from Mr. Dibdin's *Typographical Antiquities*, vol. ii. p. 484 et seq. The fullest account of the proceedings at Rome, respecting the work of Henry, is to be found in cardinal Pallavicini's *History of the Council of Trent*. An elaborate discussion of the whole transaction is to be found in *Disputatio circularis de titulo Defensoris Fidei*,—a Joh. Christophero Majero Cuzelsavia—Franco—Altdorfil 1706.

the British Museum *. It was confirmed two years afterwards by Clement the seventh †, and was recalled by the bull of Paul, issued in 1535 and promulgated in 1538, which we shall soon have occasion to mention; but the act passed in 1543, “for the “ratification of his majesty’s style,” declares it to be thenceforth united and annexed for ever to the imperial crown of England: thus the kings of England bear the title, not under the papal grants, but under an act of the British legislature ‡.

CHAP. XIII.

THE DIVORCE OF HENRY THE EIGHTH FROM QUEEN KATHARINE.

1533.

THE subject of these pages neither requires nor admits of more than I. A short mention of the transactions which attended this interesting event: II. Some observations on the lawfulness of the marriage of Henry the eighth with queen Katharine: III. Some account of the sentence, pronounced by

* It is copied in Selden’s *Titles of Honour*, part i. c. 5; and Rymer’s *Fœdera*, tom. xiii. p. 756: he gives a fac simile engraving of it,—a letter is inserted in the *Report on Public Records*, App. p. 6.

† Rym. Fœd. tom. xiv. fol. 14.

‡ See Mr. Luders’s learned article in the *British Archæologia*, vol. xix. p. 1. It contains much curious information on the subject, and the styles of the most christian king of France and the most catholic king of Arragon.

Clement the seventh for its validity : IV. And of the act of parliament, ratifying the divorce and establishing the marriage of Henry with Anne Boleyn.

XIII. 1.

Principal Events in the History of the Divorce of Henry the eighth.

MARRIAGE with the widow of a deceased brother, is prohibited in Leviticus* : the same prohibition is afterwards repeated in it†, with a denunciation that the marriage should be unfruitful. This denunciation imported, not that God would miraculously prevent the parents from having offspring; but, that the children should not be entitled to the rights of heirship; so that, in a civil sense, the parents would be childless. This was the general rule : Moses excepted from it the case where the deceased brother left no child‡ : in that case, the legislator not only permitted but commanded, as a civil duty, the next brother to marry the widow.

Henry was in this situation : on the 14th of November 1501, Katharine, the daughter of Ferdinand king of Spain, was married to prince Arthur, the eldest son of Henry the seventh. The prince died in the following April. Soon after his decease, it was agreed by both parents that Katharine should be espoused to prince Henry. Her previous marriage was a canonical impediment; as, under the christian dispensation, marriages, within

* xviii. 6.

† xx. 16.

‡ Deut. xxv. 9.

the degrees prohibited by Leviticus, were unlawful, and the exception of the case, where the deceased brother had died childless, was not admitted. The canonical impediment was, however, removed by a bull of dispensation from Julius the second, dated the 26th of December 1503. Soon after it was obtained, the contract was signed: but, for some reason or other, when prince Henry arrived at a sufficient age, it was annulled:—Henry the seventh died on the 7th of April 1509: he was succeeded by his son, Henry the eighth; the marriage between him and Katharine was, with the full consent of both parties, and the advice of the council of state, solemnized, on the 3d of the following June. The queen had several miscarriages, and some children, who were born alive, but died almost immediately; and one daughter, Mary, who lived to inherit the crown.

The king seems, for the first time, to have expressed scruples respecting the lawfulness of the marriage, about the year 1527. The pope's commission, (authorizing cardinal Wolsey, in conjunction with the archbishop of Canterbury, or any other bishop, to examine, juridically, the validity of the marriage, and the dispensations on which it was founded,) is dated on the 13th of April 1528. On the 15th of July, in the following year, the pope annulled, by his bull, the power of the commissioners, and evoked the cause to Rome. On the 23d of May 1533, Cranmer, then archbishop of Canterbury, declared the marriage null. In the following November, Henry publicly married Anne

Boleyn. One child, Elizabeth, afterwards queen of England, was the issue of this marriage. On the 23d of May 1534, the pope pronounced the marriage between Henry and Katharine to be valid. On the 6th of January 1536, Katharine died.

XIII. 2.

Observations on the Lawfulness of the Marriage of Henry the eighth with queen Katharine.

THE circumstance of the lawfulness, according to the christian dispensation, of the marriage between Henry and Katharine,—considering it as the abstract question of a marriage between a brother and the widow of his brother,—was certainly attended with considerable difficulties*. The unlawfulness of such a marriage, by the injunctions in the Levitical law, admitted of no doubt: but, were these injunctions of the Levitical law adopted by the christian code? if they were,—then, besides being a rule of the christian œconomy, were they also a rule of the natural law? if they were,—could they admit of dispensation? On each of these points, opinions were divided. It is certain, that doubts had been entertained of the lawfulness of the marriage, before Henry's scruples provoked the discussion. This is evident from several circumstances: 1. Henry the seventh caused prince Henry, as

* The principal arguments on each side of the question may be seen in Dupin's Ecclesiastical History of the 16th century, book ii. c. 26.

soon as he came of age, to enter a protest against it;—2. and, on his death-bed, charged the prince not to make the alliance:—3. At the council held upon it, after the death of Henry the seventh, some members, particularly Wareham, archbishop of Canterbury, declared, at first, against it:—4. When the espousal of the princess Mary, the daughter of Henry, with Charles the fifth, was proposed to the states of Castille, they objected to it the doubts which were entertained of the validity of Henry's marriage with Katharine:—5. When the negotiations were opened with France, for betrothing the princess Mary to Francis the first, or the duke of Orleans, the bishop of Tarbe, the French ambassador, made the same objection:—6. And, although the unlawful practices, which were used in order to prevail, both on communities and on individuals, to pronounce in favour of the invalidity of the marriage, detract greatly from their weight, yet, it must be admitted, that several, who objected to it, were men of worth and learning. The better opinion, however, appears to have been favourable to the marriage.—It is observable that, when the English prelates were convened in 1527, to discuss the subject of divorce, they came to no resolution on the merits of the case, but agreed, with the single exception of Fisher, bishop of Rochester, to take it into their deliberation*.

The generality of those, who pronounced for its validity, grounded their opinion upon the suppo-

* Collier's Ecc. Hist. vol. ii. book i. p. 24.

sition, that the marriage between prince Arthur and Katharine had not been consummated*. At the hearing of the cause, evidence was adduced to prove the consummation: but the assertion of Katharine before the king, and the legates, at the hearing of the cause,—that her virgin honour was unstained, when the monarch received her to his bed; her solemn and affecting appeal to Henry himself, for the truth of her declaration, and his not denying it,—added to her high character, and exemplary conduct through life, to which the monarch himself bore repeated testimony,—leave, in the writer's opinion, no doubt of the truth of her allegation†.

* The brief of pope Julius the second which granted the dispensation for the marriage of Henry with Katharine, recites their petition for the dispensation to the holy see. From his recital it appears that the consummation of her marriage with Arthur was mentioned in the petition in ambiguous terms, "*forsan carnali copulâ cognovissetis.*"—Dodd, vol. i. p. 271.

† Those, who wish to examine the detail of this important event in English history, should, besides the authors usually consulted, peruse Le Grand's "*Histoire du Divorce de Henry VIII. roi d'Angleterre et de Catharine d'Arragon, avec la Défense de Sanderus; la Réfutation des deux premières livres de l'Histoire de la Réformation de M. Burnet: et les Preuves.* Paris, 3 vols. 8vo. 1688;"—and Dodd's *Ecclesiastical History*, book i. art. 3.

XIII. 3.

Sentence pronounced by Clement the seventh for the validity of the Marriage of Henry the eighth with Katharine.

It has been mentioned, that on the 15th of July 1529, Clement the seventh, who then filled the papal chair, evoked the cause of the divorce to Rome. At the end of five years, the cause appeared to verge to a conclusion. The pope, at the earnest solicitation of Francis the first, then gave his solemn assurance, that, if Henry would send a proxy to Rome, and submit his cause to the holy see, he would appoint commissioners to meet at Cambray, and pronounce a final sentence. Bellay, bishop of Paris, was sent by Francis to the English monarch, to apprise him of this circumstance, and to exhort him to submission. The prelate reached London in the beginning of December, and, early in the following February, arrived at Rome, with such an answer as Francis had suggested. But the answer was verbal; and the pope required a written agreement to the same purport, signed by Henry himself, and promised that, on its receipt, the proceeding, which was required, should take place. Messengers were accordingly sent, and a day was appointed for their return. Every thing then seemed to prognosticate an amicable conclusion. Rainié, the French agent at Rome, was persuaded, that Henry would gain his cause, and expressed ~~himself~~ this effect, in a dispatch to

the grand-master, Montmorency. But the courier, who carried the king's written promise, was detained beyond the day appointed, and, in the mean time, such intelligence had been brought to Rome, as induced the pope to believe, that no courier was to be expected. Upon this, a consistory was assembled, and the pope pronounced sentence;—declaring, that the marriage of Henry with Katharine was valid; and that the former should incur excommunication, in case he should refuse to adhere to it:—this memorable sentence was pronounced on the 23d of March 1534.

From the letters of the bishops of Paris and Mascou, cited by le Grand*, it appears, that, immediately after the first intelligence of the sentence, those prelates waited upon his holiness, and remonstrated against it; that they found him much concerned at the step, which, he said, he had been obliged to take; and that he assured them, that, in opposition to the advice of many cardinals, he had suspended the signification of the sentence, until the ensuing Easter. It must be added, that if the courier brought with him any written document from England, the contents of it were never known. On the other hand,—if we take into consideration, that, during the whole of this stage of the business, the king persisted in his offensive measures, and even enacted several laws, destructive of papal authority, we shall find no reason to believe that the pope, although he had conducted himself with ever so great moderation and temper;

* *Histoire de Diverces*, vol. i. p. 271.

would have prevented a final rupture. It is probable, that, at this time, Henry considered the pope's decision as a matter of great indifference.

The pope's decision against Henry, particularly as it was given at a time when the good will and services of the monarch were of some importance to his holiness, did him honour. Upon one occasion, when his great obligations to Henry were pressed on him,—“I know,” said Clement, “how much I owe to the monarch; but I must never forget that I have a duty to perform to Him by whom monarchs reign*.

XIII. 4.

Act of Parliament ratifying the Divorce, and confirming the King's Marriage with Anne Boleyn.

IN a former part of these pages, it has been mentioned, that Cranmer pronounced the marriage of the king with Katharine to have been invalid, and that, soon after the passing of this sentence, his marriage with Anne Boleyn was solemnized. By an act of the 25th of the monarch's reign, the sentence of the archbishop was ratified; and the marriage with Anne Boleyn confirmed. The crown was limited to the issue of this marriage, and, in default of such issue, to the king's right heirs. An oath was enjoined in favour of this order of succession, under the penalty of imprisonment, during the king's pleasure. It is observable, that this act excluded the princess Mary from the

*. Dodd, Hist. book i. p. 81.

crown; this seems to have been contrary to the monarch's avowed intentions, when he first applied for the sentence of divorce.

Queen Katharine did not long survive the divorce: "All our historians," says Mr. Dodd*, "agree in giving her the best of characters: she "was a devout and exemplary lady, worked much "with her own hands among her women: her "severities and devotions, which were known to "her priests, and her alms-deeds joined to her "misfortunes, raised a high esteem of her in all "sorts of people. - It is further said, by those that "that were in the secret of her life, that she rose "to midnight prayers, and was up again at five; "that, on the vigils of several feasts, she lived "wholly on bread and water; that she confessed "her sins every Wednesday and Friday; read the "saints lives every afternoon to her maids, and "was frequent in prayer, which she constantly "performed on her bare knees. Her soul was "elevated above the world, which appeared by "her constancy and meekness in the variety of "fortune. Prosperity did not corrupt her, nor "adversity deject her; and, what advantage soever "her enemies might have over her in law and politics, she far surpassed them in claims of a "greater concern."

* Dodd. Hist. book i. p. 89.

CHAP. XIV.

HENRY THE EIGHTH ASSUMES THE TITLE OF
SUPREME HEAD OF THE CHURCH OF ENGLAND.

1534.

FROM the beginning of the reign of Henry the eighth, until the period, to which the subject now leads the writer, his majesty gave his entire confidence to cardinal Wolsey.—I. The character of that minister; II. The penalties of *præmunire*, which the whole body of the clergy was adjudged to have incurred by their submission to his legatine authority; III. The steps taken to prepare the mind of the nation for his majesty's ecclesiastical supremacy; IV. And the legislative acts, by which it was conferred upon him, will now be succinctly mentioned.

XIV. 1.

Character of cardinal Wolsey.

To this distinguished personage his contemporaries, generally speaking, were unjust. The splendour, with which he was surrounded, made him an object of envy; his lofty manners created him many personal enemies; the spirit of domination, which he showed in all ecclesiastical concerns, indisposed the clergy towards him; and the friends of the reformation considered him their enemy

Whilst he lived, nearly all hated him; after his decease, nearly all were hostile to his memory.

His extraction was mean. Henry the seventh had occasion to discover the penetration and energy of his mind, and conferred upon him the deanery of Lincoln. He was quickly noticed by Henry the eighth; soon became his favourite, the companion of his pleasures, and, before long, his sole and absolute minister. "By this rapid advancement, and uncontrolled authority," says Hume*, "the character and genius of Wolsey had full opportunity to display itself. Insatiable in his acquisitions, but still more magnificent in his expense; of extensive capacity, but still more unbounded enterprize; ambitious of power, but more ambitious of glory; insinuating, engaging, persuasive, and by turns lofty, elevated, and commanding; haughty to his equals, affable to his dependents; oppressive to the people, but liberal to his friends; more generous than grateful; less moved by injuries than by contempt; he was framed to take the ascendant in every intercourse with others; but exerted this superiority of nature with such ostentation, as exposed him to envy, and made every one willing to recall the original inferiority, or rather meanness, of his fortune." Such is the character drawn of Wolsey by Hume: even with the dark shades, which it receives from his pen, small is the number of those, who have attained a situation equally

* Ch. 27.

elevated, with whom Wolsey will suffer in comparison.

It must be admitted that much was reprehensible in his conduct: but, surely, much excuse may be found in the ungovernable violence and obstinacy of the monarch. "I do assure you," the cardinal said, a few hours before he expired, to Sir William Kingston, the constable of the Tower, "that I have often knelt before his majesty, sometimes three hours together, to persuade him from his will and appetite, but could not prevail."

It should also be observed, that the part of Henry's reign, which was subsequent to the decease of the minister, was much more criminal, than that which had been directed by his councils.

The most violent enemies of Wolsey must admit that he was a protector of learning: and, if we think with them, that he was justly chargeable with an excess of magnificence, we should not forget, that, by calling forth the arts, and exciting the industry of the nation, this very magnificence was a public benefit. At the time, of which we are speaking, the benefit which the public received from individual magnificence like Wolsey's, was little understood.

XIV. 2.

The whole body of the English Clergy held to be liable to the Penalties of Præmunire.

THE offence particularly imputed to Wolsey, was his exercising, in England, the power of a legate of the pope.

From an early time, it was an acknowledged prerogative of the popes to send persons to represent them, and exercise their powers in foreign states. The persons invested with this high authority, were often delegated to sovereign princes and states, as the guardians of the faith and discipline of the church, and as protectors of its general interests: they were the representatives of the pope, holding many of his highest powers.

It is not to be supposed, that prerogatives, such as these, would be exercised by Wolsey, with a very gentle hand. His administration gave great offence to the clergy, and became a subject of general complaint. On this account, as soon as the ruin of the cardinal was determined upon, his enemies indicted him for procuring from Rome the bull, which invested him with the legatine authority, and for an extravagant exercise of the powers which it conferred upon him. The charge was ridiculous; but, such were the absolute power of the monarch and the temper of the times, that the cardinal confessed the indictment, and sentence was pronounced upon him;—declaring him out of the king's protection, and his lands and goods to

be forfeited, and ordering him into custody.—Henry, however, granted him a pardon.

This memorable event took place in November 1529: in January 1531, the whole ecclesiastical establishment was brought under the same law. It was alleged, that, by submitting to the cardinal's exercise of his legatine authority, the whole national church had offended within the statute of provisors: upon this statute, the attorney general, by his majesty's direction, indicted them. They assembled in convocation, confessed their guilt, and submitted to his majesty's mercy. The king accepted from the clergy of the province of Canterbury, 100,000*l*.; and from the clergy of the province of York, 18,440*l*.—for a pardon. It was expected that the whole body of the laity would have been considered guilty of the same offence; but, after some demonstrations of anger, the king issued his pardon of them, without requiring any fine: the commons expressed great gratitude to him for his clemency.

It is surprising, that the nation should have quietly submitted to a proceeding so manifestly unjust and absurd. On what ground, it could be gravely asserted, that either clergy or laity, had incurred the penalties of the statutes of provisors or *præmunire*, it is impossible to conceive. The first of these statutes extended to those only, who obtained from the see of Rome, provisional presentations to benefices, that were not vacant; the latter, to those only, who interrupted the proceedings of the king's courts, or prevented the execution

of their sentences, by appealing from them to the see of Rome.

XIV. 3.

*Measures preparing the Public Mind for his Majesty's
Ecclesiastical Supremacy.*

AFTER this, it soon became evident, that the king was determined to abolish, in his dominions, the spiritual supremacy of the pope: he was aware, that it would shock the religious principles and feelings of a large proportion of the nation; he therefore proceeded in the execution of his design, with greater caution, than he condescended to use on any other occasion.

Great attempts were made to induce the leading ecclesiastics to co-operate with his views: many works were published, to dispose the nation favourably towards them; the convocations of both provinces were brought over to them; and the language of the debates, in both houses of parliament, was calculated to promote them.

The king caused the bishops, and all other leading ecclesiastics, to be sounded by his principal courtiers; and every method was employed that could dispose them to favour his designs; the ordinary means of persuasion and terror were resorted to; frequent sermons were preached, and every other mode of instruction used, to make the new doctrine palatable to the people; and the superiors of religious houses were required to disseminate it among the members of their communi-

ties. The effect of these measures upon the public mind is remarkable : at first, it was thought sufficient to propound that the council was above the pope ; but, “ afterwards,” says Burnet, “ they struck “ a note higher ; and declared to the people, that “ the pope had no authority in England*.”

For the first time, perhaps, in the annals of history, the powerful artillery of the press was now brought forward in aid of a great public measure. Many works, advocating the royal views, and indisposing the nation against the see of Rome, were printed and extensively circulated. The most remarkable of these were, “ The Institution for the “ necessary Erudition of a Christian Man ;” the treatise of Fox, bishop of Hereford, “ De Verâ differentiâ Regiæ Potestatis et Ecclesiæ ;” and the work of Gardiner, bishop of Winchester, “ De “ Verâ Obedientiâ.” The most popular, was a Latin oration of doctor Richard Sampson, printed, in 1553, by Berthelet. Henry himself broke a lance against the pope :—“ The king,” says Strype†, “ wrote a book. It was a large and ample treatise “ of the tyranny and usurpation of the bishop of “ Rome ; and bore this title, “ De Potestate Christianorum Regum in suis Ecclesiis contra Pontificis “ Tyrannidem et horribilem impietatem.” In the mean time, the advocates of the supremacy of the pope were not idle : its most distinguished champion was cardinal Pole : he addressed to the king a laboured dissertation, “ Pro Unitate Ecclesiasticâ ;”

* History of the Reformation, book ii.

† Mem. Eccles. c. 24.

and carefully sent it to him by a private hand. It was afterwards published at Strasbourg, and several copies found their way to England. Some replies to it were published: the harsh terms, in which the cardinal expressed himself, respecting the king, were objected to his work; he defended it against this and other charges by his treatise, intituled, *Unitatis Ecclesiasticæ Defensio*, published at Strasbourg in 1555, and at Ingolstadt, in 1587: the two works were often printed in one volume. The appendixes to bishop Burnet's History of the Reformation, and Strype's Ecclesiastical Memorials, contain several letters, written by the cardinal, and several, addressed to him: no documents show so well the general tenor of the arguments, by which, at this time, the papal supremacy was attacked and defended; but, it must be admitted, that, in subsequent times, the subject, if not better understood, has certainly been more ably discussed.

The next attempt of the advocates for the royal supremacy was, to procure a formal recognition of it by the convocations of the clergy.—While they lay at the mercy of the crown, in consequence of their supposed guilt, in submitting to cardinal Wolsey's legatine authority, it was pressed upon them, as a measure, likely to soothe his majesty's anger, that they should acknowledge his title of supreme head of the church. A petition was accordingly brought into the upper house of convocation of the province of Canterbury. The king was styled in it "the protector and supreme head of the

“church.” Some opposition to this expression was made, and the consideration of the petition postponed. It was then proposed to qualify the obnoxious words, by adding to them the expression,—“so far as is permitted by the law of “Christ.” With this qualification, the sentence was adopted, and the petition signed by the convocation of each province. For a time, the king appeared to be satisfied : but, to use the words of Strype *, “he finally made them buckle to.”—In the following year, the parliament passed an act, prohibiting appeals to Rome, and subjecting those who made them, to the penalties of *præmunire*. The convocations ordered the act to be fixed upon the church door of every parish : and, in March and May 1534, announced, that “a general council “represented the church, and was above the pope, “and all other bishops ; and that the bishop of “Rome had no greater jurisdiction, given him by “God in the holy scriptures, within the kingdom of “England, than any other foreign bishop.” In the convocation of Canterbury, this allegation was opposed by four voices only ; one other expressed doubt : in the convocation of York, it passed, without a dissenting voice. Both the universities, all the capitular and all the conventual bodies throughout the realm, followed their example. Compliance with the royal wishes now became the order of the day : the bishops took out new commissions from the crown, and in these, not only their

* Eccl. Mem. vol. ii. p. 133.

temporal, but even their spiritual and episcopal authority, was affirmed to be derived from the magistrates, and to be dependent upon their will.

But nothing contributed so much to reconcile the nation to the views of the court, as the general language of the leading members of both houses of parliament, when ecclesiastical concerns were the subject of their deliberations. The care, which the ministers of the crown took to bring the subject, under various forms, into the house of commons, shows that, even in those arbitrary times, the weight of this branch of the legislature, the importance of public opinion, and the influence of parliamentary discussion, were on the increase. Hence, in both houses of parliament, severe invectives against the dissolute manners, the ambition and the avarice of the clergy, were not only allowed, but encouraged: their encroachments both on the crown and the general body of the nation, were represented in strong colours; while the immense sums, which were said to be drawn out of the kingdom by the pope, were held out to the view and indignation of the public. Several bills also were passed, restraining some of the most invidious of the impositions of the clergy. The manner, in which they were received by the nation, instigated the crown to still bolder measures.

The ultimate tendency of these proceedings had not been unobserved. In 1529, when the motion was made in the upper house of the convocation of Canterbury, for suppressing the lesser monasteries,—“Beware my lords,” exclaimed bishop

Fisher,—“Beware of yourselves, and your country !
 “beware of your holy mother, the catholic church !
 “The people are subject to novelties ; and Luther-
 “anism spreads itself among us. Remember Ger-
 “many and Bohemia.—Let our neighbours’ houses
 “which are on fire, teach us to beware of our
 “own !

“An axe,” continued the learned prelate, “came
 “upon a time, into the wood, making his moan to
 “the great trees, that he wanted an handle to work
 “withall ; and, for that cause, he was constrained
 “to sit idle ; therefore, he made it his request to
 “them to grant him one of their small saplings,
 “within the wood, to make him an handle. But
 “now, becoming a complete axe, he fell so to work
 “within the same wood, that, in process of time,
 “there were neither great nor small trees to be
 “found in the place, where the wood stood. And
 “so, my lords, if you can grant the king these
 “smaller monasteries, you do but make him an
 “handle, whereby, at his own pleasure, he may cut
 “down all the cedars of the Lebanon*.”

XIV. 4.

*The Acts of Parliament declaring Henry the eighth
 Head of the Church of England.*

X At length, the final blow was struck. In the
 26th year of his reign, the statute was passed,
 which declared Henry head of the church of Eng-
 land. After reciting, that “the king’s majesty justly

* Dr. Bayley’s Life of bishop Fisher, p. 108.

“ and rightfully was, and ought to be supreme head
“ of the church of England ; and so had been
“ recognized by the clergy of the kingdom in their
“ convocation,” it was enacted, “ that the king
“ should be reputed the only supreme head, on
“ earth, of the church of England ; and should
“ have and enjoy, annexed to the imperial crown
“ of the realm, as well the style and title thereof,
“ as all honours, dignities, pre-eminences, juris-
“ dictions, privileges, authorities, immunities, pro-
“ fits, and commodities, to the said dignity of
“ supreme head of the church appertaining ; and
“ should have full power and authority to reform
“ and correct all manner of errors, heresies, and
“ offences, which might be reformed and corrected,
“ by any manner of spiritual authority or juris-
“ diction.”—On the 13th of the following January,
the king assumed, with great solemnity, his title of
“ supreme head on earth of the church of England.”

The same parliament, in its next session, granted to the king, as supreme head on earth of the church of England, all the powers, prerogatives, and emoluments enjoyed by the see of Rome. A general subscription of a formulary, disclaiming the spiritual supremacy of the pope, was circulated with success throughout the kingdom ; decrees to this effect were obtained both from Oxford and Cambridge ; but circumstances attended all these subscriptions, which showed that they were often procured by terror.

In the following year an oath against the autho-

rity of the see of Rome was appointed to be taken, expressed in these words :

“ I, A. B. do utterly testify and declare in my
“ conscience, that the king’s majesty is the only
“ supreme governor of this realm, and of all other
“ his highness’s dominions and countries, as well
“ in all spiritual or ecclesiastical things or causes,
“ as temporal ; and that no foreign prince, person,
“ prelate, state or potentate, hath or ought to have
“ any jurisdiction, power, superiority, pre-eminence
“ or authority, ecclesiastical or spiritual, within the
“ realm : and therefore, I do utterly renounce and
“ forsake all foreign jurisdictions, powers, superi-
“ orities, and authorities ; and do promise that, from
“ henceforth, I will bear faith and true allegiance to
“ the king’s highness, his heirs and lawful succes-
“ sors, and to my power will assist and defend all
“ jurisdictions, privileges, pre-eminences, and au-
“ thorities, granted and belonging to the king’s
“ highness his heirs or successors, or limited and
“ annexed to the imperial crown of the realm.”

In a future part of this work, some observations will be offered on the nature of the supremacy conferred on Henry by this act : at present, it only remains to add, that, immediately after it passed, the king issued a proclamation, commanding the supremacy to be preached in the most frequented auditories, and taught to little children ; enjoining farther, that the pope’s name should be erased out of all books : and that he should be treated no otherwise than as an ordinary bishop. “ We have

“ seen,” say the writers of the Parliamentary History*, “ several books, printed before this time, “ wherein the word ‘ pope,’ is entirely obliterated; “ particularly one in our collection,—Fabian’s “ Chronicle,—in which the name of ‘ pope’ is “ blotted out by a pen, throughout the volume. It “ is probable the booksellers durst not sell them, “ without this alteration.”

CHAP. XV.

CRIMINAL PROSECUTIONS ON THE STATUTES,
REGULATING THE SUCCESSION TO THE CROWN,
AND CONFERRING ON HENRY THE EIGHTH
THE TITLE OF SUPREME HEAD OF THE CHURCH
OF ENGLAND.

THESE statutes,—(the 25th and 26th of Henry the eighth),—have been mentioned. The oath, prescribed by the former, was generally taken; the title, conferred by the latter, was generally admitted:—I. But both were refused by cardinal Fisher;—II. Sir Thomas More;—III. and some others. For their refusals to take the oath of supremacy, they were capitally condemned and executed.

* Vol. iii. p. 113.

XV. 1.

Bishop Fisher.

THE most memorable of these victims, were Fisher and sir Thomas More. Fisher suffered first: in his praise, both Englishmen and foreigners, both the friends and the enemies of the reformation, are united: Erasmus represents him as a man of consummate integrity, profound learning, incredible sweetness of temper, and grandeur of soul: "All," say the authors of the *Biographia Britannica*, "acknowledge that he was a sober man; pious, temperate, and charitable; learned, and an encourager of learning." Margaret, countess of Richmond, mother of Henry the seventh, chose him for her confessor: his whole study, says one of our historians*, was to put her upon such undertakings as became her exalted station and his own character. She employed large sums of money in discharging prisoners, portioning young women, and providing for indigent families. By his persuasion, she founded the noble colleges of Christ, and St. John, in Cambridge; and Fisher largely contributed to the expense of enlarging and completing the latter; he founded in it two fellowships, a lectureship of Hebrew, a lectureship of Greek, four examining readers, and four under readers, to relieve the principal. He augmented the commons, and presented the college with his library. He was elected chancellor of the university. At first, he was greatly favoured by Henry,

* *Dodd's Church History*, vol. i. p. 154.

who called him, "the honour of his nation," and asked cardinal Pole, on his return from the continent, "whether he had found, in all his travels, a person, either in virtue or learning, comparable with the bishop of Rochester." The monarch raised him to that see; and afterwards offered to promote him to the wealthier sees of Lincoln and Ely: but, in conformity to the language and spirit of the canons, Fisher declined the promotion.

He was unluckily implicated in the practices of Elizabeth Barton, commonly called "the Maid of Kent." By an appearance of sanctity and pretended revelations, as well as by the co-operation of some weak and some designing men, she imposed upon many, and even obtained the esteem of several respectable persons. Among these, were Warham the archbishop of Canterbury, and Fisher. She declaimed against the king's divorce and supremacy; and prophesied, that his sins would speedily be visited by the judgment of Heaven. The king caused her, and her principal accomplices, to be arrested: they were brought before the star chamber, confessed their guilt, and suffered for it. An act of attainder was passed against Fisher, and some others, for being acquainted with her practices, and not making them known to the king. To exculpate himself, Fisher addressed a letter to the house of lords, in which he admitted his having been told by her, that it had been revealed to her by God, that, if Henry persevered in his irreligious measures, he would not, in seven months, be any longer king of England. Fisher

seems to acknowledge that he thought favourably of her and her revelations; and excuses himself for not having apprised the king of them, in consequence of her assurance, that she herself had already done so; and because he understood, that the event, whatsoever it might be, was to be produced, not by any human means, but by the immediate intervention of the Almighty.

Sir Thomas More had casually conversed with her; but he appears to have listened to her with distrust. He wrote her a letter of advice: it was so little favourable to the supposition of her extraordinary sanctity, that, when her advocates endeavoured, during the reign of queen Mary, to sanctify the memory of the Maid, they thought it advisable to suppress it. On this account, but not without some difficulty, sir Thomas More was left out of the bill of attainder; and suffered to remain at large.

The confinement of bishop Fisher was rigorous: he was stripped of his clothes, and, to copy the words of Hume, "notwithstanding his extreme age, was allowed nothing but rags, which scarcely covered his nakedness. In this condition, he lay in prison about a twelvemonth; when the pope, willing to recompense the sufferings of so faithful an adherent, created him cardinal." This promotion roused the indignation of the king; and he was resolved to display the force of his resentment: Fisher was indicted for denying the king's supremacy; and soon after tried, condemned, and executed.

XV. 2.

Sir Thomas More.

Few men, in exalted situations, have been viewed by their contemporaries, or by posterity, with greater reverence, than sir Thomas More. He was born of respectable parents; and was first known to the public, as law-lecturer in Furnival's Inn, and as a successful practitioner at the bar. It is recorded of him, that, in this employment, "he took no fees of poor folks, widows, or pupils." He was successively appointed speaker of the house of commons, chancellor of the duchy of Lancaster, and sent on several embassies. His conduct gained him the approbation and confidence of his sovereign; the esteem of all, to whom he became known. The king was personally attached to him; and took great delight in his instructive and entertaining society. "Henry," says Erasmus, in a letter written, about this time, to Ulric von Hutten, "holds More in such intimacy, that he never suffers him to leave him. If he want counsel in serious matters, he has not a better adviser; if he desire to relax his mind, he knows not a more festive companion." But More was sensible of the little reliance, that was to be placed on the regard shown him by the king. One day, the king came unexpectedly to dine with More; and, after dinner, walked an hour in the garden with one arm round his neck. Roper, the son-in-law of More, congratulated him on this mark of his prince's affection and familiarity. "Son," said More, "I thank our lord; I find his grace my

“very good lord indeed. I believe he doth as
“singularly favour me as any subject within this
“realm. Howbeit, son Roper, I may tell thee, I have
“no cause to be proud thereof; for, if my head
“would win him a castle in France, it should not
“fail to go.”

More foresaw the reformation and its effects. Mr. Roper once observed to him the flourishing state of the catholic religion within the realm, under so orthodox a king. “Truth it is, son Roper,” he replied; “and yet, son Roper, I pray God, that
“some of us, as high as we seem to sit upon the
“mountains, treading heretics under feet, like ants,
“live not to see the day, that we would gladly be
“at league and composition with them, to let them
“have their churches quietly to themselves, so that
“they would be contented to let us have ours
“quietly to ourselves.”

Upon the fall of Wolsey, the king advanced More to the office of lord high chancellor of England. The duties of this high station he discharged with universal applause. By indefatigable application, he cleared the court of all its causes. Having, one day, ended a cause and called for the next, he was told, that there was no other depending. This he was pleased to hear; and ordered it to be entered on the records of the court. It gave rise to the following epigram,—not the worst in the English language,—

When More some time had chancellor been,
No more suits did remain;
The same shall never more be seen,
Till More be there again.

His sentiments were known to be unfavourable to the divorce. His rank and high reputation, both at home and abroad, for talents and integrity, made Henry very desirous, that he should pronounce in its favour. On one occasion, being greatly importuned by him upon the subject, More fell upon his knees, and besought his majesty to remain to him the gracious sovereign he had ever found him : “ Nothing,” he said, “ had been so grievous to him, “ as his inability to serve his majesty in that matter “ with a safe conscience ; having ever borne in mind “ his majesty’s words, in his entry into his service, “ —(the most virtuous lesson, which a prince ever “ taught to his servant),—first, to look unto God ; “ and after God, to him.” Henry answered that ; “ if More could not conscientiously serve him, in “ that manner, he was content to accept his services “ in other ways ; and to take the advice of others “ of his council, whose consciences did not revolt “ at it ; that he would continue his favours towards “ him, and never more molest his conscience on “ the matter.”

Perceiving, however, that the king was bent on his marriage with Anne Boleyn, More resigned his office. “ He descended,” says Hume, “ from “ his high station, with more joy and alacrity, than “ he had in ascending it. He sported with the “ varieties of fortune ; and neither the pride of high “ station, nor the melancholy of retreat, could disturb his serenity.

“ When his friends discovered sorrow on his descent from grandeur, he laughed at their distress ;

“and made them ashamed of losing a moment’s cheerfulness from such trivial misfortunes.”

He was one of the greatest promoters of classical learning. The letters which passed between him and Erasmus, are elegant and interesting; those, in which the latter relates his tragical end, and records his great and amiable virtues, are pathetic and beautiful in the highest degree. As a writer, More’s reputation rests principally on his *Utopia*,—a description of an imaginary commonwealth. It discovers great observation and acuteness; reprobates sanguinary punishments, and describes a system of religious liberty, which few, even in these days, would venture to propose for practice. In his polemic writings, he conformed too much to the bad taste of the times, expressing himself in regard to heretics in strong terms of abuse;—but, with so much elegance, that he gained the reputation of having the best knack of any man in Europe, at calling bad names in good Latin.

He is even accused of having caused corporal punishment to be inflicted on heretics. The truth of this accusation seems to rest entirely on the credit of Fox, the martyrologist,—a writer equally bigoted and credulous. In the 36th chapter of his *Apology*, Sir Thomas peremptorily denies the charge; and solemnly appeals to God for the truth of the denial.

His attachment to the catholic church was sincere: but * while, in conformity to its universal doctrine, he defined the church to be “the common

* *Eng. Works*, p. 615, 651.

“ known congregation of all christian nations under
“ one head, the pope,” he affirms, “ that the
“ council is above the pope ; and that there are
“ orders in Christ’s church, by which a pope may
“ be both admonished and amended ; and hath
“ been, for incorrigible mind and lack of amend-
“ ment, finally deposed and changed.”

Nothing is more pleasing than the picture drawn by Erasmus of the domestic circle of Sir Thomas More ; of his playfulness, simplicity, and universal beneficence. “ More,” says Erasmus, “ did not
“ know what a stranger was. Most are kind only
“ to their own countrymen ; the Frenchman, to the
“ French ; the German, to the Germans ; the Scot,
“ to the Scots ; with More it was otherwise ; the
“ Hibernian, the German, even the Scythian, and
“ the Indian, found More their friend.” His general benignity had endeared him so much to all, that his death was deplored, as that of a father, or a brother : “ I myself,” says Erasmus, “ have seen it
“ bewailed with tears by several, who had neither
“ seen, nor had the slightest intercourse with him.”

An account of his trial is published in the *State Trials*. The indictment, on which he was tried, has not been discovered. From his speech on his trial, it appears, that the principal charges against him were, that he had disapproved the king’s second marriage ; had denied his spiritual supremacy ; had confederated against it, with bishop Fisher ; and,—(this was particularly urged against him),—had called the law, by which the supremacy was conferred upon his majesty, a two-edged sword,—as,

by consenting to it, he would endanger his soul; and, by rejecting it, lose his life. To prove the three first of these charges, no evidence was produced. On the contrary, it appeared, that, when Rich, the solicitor general, was sent to him, during his confinement in the Tower, he put this question to More,—“If there was an act of parliament, that the realm should take me for king, would you take me for king?”—“Yes, sir,” replied More, “that would I.”

With respect to the expression, that the law against the supremacy was like a two-edged sword, the proof of this rested upon the single testimony of Mr. Rich, who swore, that in a casual conversation with him, in the Tower, Sir Thomas had used this expression: he denied his having used the words, in the sense affixed to them by Rich; and totally discredited his testimony. Upon this evidence, however, More was found guilty and executed.

Never, certainly, was the mind of man less moved by a sentence of condemnation, or by the approach of death. True, under every vicissitude of fortune, to his principles and sense of duty, the recollection of a well-spent life, and the belief of its approaching reward, supported him in those awful moments. Without ostentation or display, he met his fate, with the unpretending firmness and constancy, with which he would have discharged the most ordinary duty*.

* With an interesting account of this great man, the public has been recently favoured by Mr. Cayley. The writer has availed himself of it, in this article.

XV. 3.

Other Executions for the Denial of the King's Spiritual Supremacy.

MANY others, both of the clergy and laity, suffered death, for denying the king's spiritual supremacy. Dodd, in his *Church History of England*, gives a list of fifty-nine. None attracted so much commiseration as the Carthusians. Their order was singularly respected. John Haughton, the prior of the Charter-house, Robert Lawrence, prior of Belleval, and Augustine Webster, prior of the house of Shene, were sent to the Tower, and soon afterwards tried. "But the jury," says Strype*, "had such a reverence for these three fathers, that they deferred their verdict till next day. To whom Cromwell sent to know,—what made them so long? and what they intended to do? They sent this answer back, that they could not bring in such holy fathers guilty, as malefactors. Which when Cromwell heard," adds Strype, "he sent them word immediately, that, if they found them, 'Not guilty,' they should suffer the death of malefactors themselves. But, they still persisting in their former judgment, notwithstanding Cromwell's threatenings, he came to them himself, and so overawed them with his threats, that they, at length, brought them in guilty of treason†. And,

* *Eccles. Mem.* vol. i. p. 196.

† Cromwell was afterwards attainted of high treason, and executed: In his speech he said, "I pray you all that be

“ five days after, they were executed at Tyburn.
 “ Other Carthusians were starved to death in prison.
 “ Maurice Chauncey, one of their order, fled beyond the seas, and published an account of the
 “ sufferings of his brethren, under the title of
 “ *Historia aliquot nostri sæculi Martyrum*. Mentz,
 “ 4to. 1550.” “ It is not denied, by any knowing,
 “ or moderate protestant,” says Mr. Wood*, “ but
 “ that his name is worthy to be kept in everlasting
 “ remembrance.”

When the three priors were led to execution, sir Thomas More beheld them from a window in his own apartment in the Tower. He called to Margery, his favourite daughter, to observe “ the
 “ blessed fathers, going,” said he, “ as cheerfully to
 “ their deaths, as bridegrooms to their marriage ;”
 “ —the reward,” he called it, “ of their days spent
 “ in strait, penitential, and painful life.”

It is remarkable, that the denial of the king’s spiritual supremacy was first made a capital offence by an act passed in the 28th year of his reign. The acts in force, when the individuals mentioned were executed, were those of the 25th and 26th of

“ here to bear me record that I die in the catholic faith, not
 “ doubting in any article of my faith ; no, nor doubting of
 “ any sacrament of the church. Many have slandered me,
 “ and have reported that I have been a hearer of such as
 “ have maintained evil opinions, which is untrue ; but I confess
 “ that, like as God, by his holy spirit, does instruct us in the
 “ truth, so the devil is ready to seduce us, and I have been
 “ seduced : but, bear me witness I die in the faith of the
 “ catholic church.” Stowe’s Chronicle, p. 580.

* *Athensæ Oxon.* p. 202.

his majesty, which carried the punishment for the denial of the supremacy no higher than præmunire and misprision of treason. Thus, even in those cases, where the offence was proved by legal evidence,—(and such cases were, certainly, very few,)—the offenders were sentenced to a punishment, which the law did not inflict.

CHAP. XVI.

MONASTIC INSTITUTIONS.

THE dissolution of monastic establishments, within the realm, is one of the most important events in the history of the reformation of England. An attempt will be made in this chapter, to present the reader with some account, I. Of the origin of the monastic institution, and its principal orders;—1st, the Benedictines; 2d, the Canons Regular of St. Augustine; 3d, the Mendicant orders; 4th, the corresponding orders of Nuns; and 5th, of the military order of the Knights of St. John of Jerusalem: II. Some observations will then be offered on the advantages derived from the monastic institution; 1st, by the state; 2d, by the persons from whom they received their lands and possessions; 3d, by the general body of the public, in consequence of their hospitality; 4th, from their support of the poor; 5th, their being general seminaries for the education of the youth of both sexes; 6th, their agricultural labours; 7th, their encouragement of

architecture, sculpture, and other arts; 8th, their cultivation of sacred and profane literature; 9th, their care in preserving and transmitting to us the sacred word of God.

XVI. 1.

Origin of the Monastic Institution, and its principal Orders.

THE monastic state originated in the east. Towards the middle of the fourth century, St. Anthony, after having spent many years in perfect solitude, in a desert, in Upper Egypt, permitted a numerous body of men to live in community with him, and lead, under his direction, a life of piety and manual labour, sanctified by prayer. St. Pachomius was the first, who composed a written rule for the conduct of the monks.

1. About two hundred years after this time, St. Benedict, an Italian monk, framed his religious rule for the government of a convent at Mount Casino, between Rome and Naples, over which he presided. He adopted the whole of the spirit, and most of the observances, of the rule of St. Pachomius. In consequence of the general devastation and confusion, occasioned in Italy, by the Lombards, in Spain, by the Saracens, in France, by the wars among the descendants of Charlemagne, and, in England, by the irruption of the Danes,—the *Benedictine monks* fell from their original fervour into great disorder: but, towards the middle of the eleventh century, several emi-

nent members of the order arose, and endeavoured to restore it to its ancient purity. While each added some new statute or custom to the original rule, each became the founder of a congregation or secondary order, adhering, in essentials, to the order of St. Benedict, but differing from it in particular observances. Such were the Carthusians, Celestines and Premonstratenses. In every age and country, the Benedictine monks have rendered the greatest services to religion: few nations can read the history of the first introduction of christianity among them, without being sensible of their obligations to the disciples of St. Benedict: their benefits to literature have been equally great: the shelves of libraries, to use the strong expression of Mr. Gibbon, groan under the weight of Benedictine folios.

2. *The Canons Regular of St. Augustine* derive their origin from certain respectable ecclesiastics, who, in the eighth century, formed themselves into a kind of middle order, between the monks and the secular clergy. They adopted so much of the monastic discipline, as to have, in common, the church, and the table, and to assemble at stated hours for the divine service: but they made no vows; and often discharged the functions of the ministry in public churches, committed to their care. Thus, they rendered essential service to religion. By degrees, they too degenerated: but, in the twelfth century, a considerable reformation was introduced among them, under the auspices of pope Nicholas the second. Some, carrying the

reformation further, renounced their worldly possessions, and all private property ; and lived in a manner, resembling the austerity and discipline of a monastic life. This gave rise to the distinction between the *secular* and *regular* canons.

3. For many centuries, the Benedictines, the congregations which emanated from them, and the canons of St. Augustine, constituted the only monastic orders of the west. In the thirteenth century, the *Mendicant orders* arose. These were the Franciscan and Dominican friars, the Carmelites and the Hermits of St. Augustine.

The *Franciscan friars* were founded by St. Francis, the son of a shopkeeper of Assisium, in the province of Umbria : they were divided into Conventuals, who admitted some mitigations into their practice of the rule ; and Observantines, who professed a stricter observance of it.

The *Dominican friars* were founded by St. Dominic. He adopted the rule of St. Francis for the groundwork of his institute, but introduced into it so many alterations, as made it, almost, a new order.

The *Carmelites* professed to derive their origin from hermits, who, from the time of Elias to the time of Christ and the apostles, and thence, by a regular succession, till the irruptions of the Saracens, inhabited Mount Carmel.

The *Hermits of St. Augustine* derived their institute from a bull of Alexander the fourth. This pontiff collected several hermits into one order, to which he gave this appellation, and prescribed a rule for their government.

At first, those orders only were considered to be mendicant, which had no fixed income, but derived their whole subsistence from casual and uncertain bounty. Experience soon discovered, that many spiritual as well as many temporal evils attend mendicity. In consequence of it, some of the Franciscan establishments, and almost all the establishments of the three other orders, began to acquire permanent property. This, the church, first permitted, and afterwards countenanced. The council of Trent confined mendicity to the Observantine friars.

4. It remains to add, that *convents of Nuns* were founded, whose institutes corresponded with those of the religious orders and congregations, which have been noticed,—with some also of their principal reforms.

5. The only *military order* in England, at the time of the reformation, was that of St. John of Jerusalem. It was divided into three classes;—the nobles, who followed the profession of arms, for the defence of the faith against the followers of Mahomet, and for the protection of pilgrims;—the ecclesiastics, who exercised their religious functions for the benefit of the order;—and the lay-brothers, whose duty it was to take care of the pilgrims, and of the sick. Their first establishment was at Jerusalem: after the loss of the Holy Land, they successively retired to Cyprus, to Rhodes, and to Malta, from the last of which places they received the appellation of Knights of

Malta. They had ample possessions in almost every state of Europe.

The Knights Templars once flourished in England;—and were instituted for the same purposes as the Knights of St. John of Jerusalem,—which long preceded the dissolution of monasteries under Henry the eighth.—Some account of their suppression will be given in a subsequent part of this work.

XVI. 2.

Advantages derived from the Religious Orders.

THE language, which is employed, in describing the character and manners of the regular clergy, is generally such, as might induce a reader to suppose that they were altogether useless, and a heavy burthen on the public: but the case was far otherwise.

1. To every public imposition of the state, both the secular and the regular clergy contributed, at least their proportionate share; while, in addition to these, some subsidies, not required from the laity, were often, under the name of benevolences, exacted from them. Most of their lands were held by the tenure of knight's service; and were, therefore, liable to pecuniary contributions, for the ransom of the lord, for making his eldest son a knight, and for portioning his daughters; they were also generally liable to the obligation of finding a certain number of soldiers, to serve in the field, at the charge of the monastery.

2. The individuals, again, from whose benevolence they had acquired their possessions, and the heirs of those individuals, received back from them some return of that bounty. They had the benefit of corodies, or the privilege of quartering a certain number of poor servants, on the religious houses, which they had founded : or, in later times, of claiming from them annual pensions for their servants, as commutations for their corodies.

3. The public was essentially benefited by their duty of hospitality. This obliged the monasteries to receive and entertain their benefactors, and their heirs, and all their followers ; so that, to use Collier's expression *, " the monasteries were like " houses of public entertainment, for the gentry " that travelled." In the present state of society, the practice of this hospitality appears in the light of a festivity ; but, in the times, of which we are speaking, it was always considered, as a serious duty, imposing, more than is now imagined, a very heavy and a very unpleasing obligation.

4. We must add, that the convents maintained the poor ; there being, in these times, no national provision for them.

On such a subject, it is impossible to form even a plausible calculation ; but it is obvious that a considerable proportion,—(can it be exaggeration to say one third ?)—of monastic property, returned, in the way of direct payment or expenditure, to the public, or to the representatives of their benefactors.

* Eccl. Hist. vol. ii. p. 165.

5. That, in those times, the monasteries were the best schools of education, is a point, now universally admitted. History scarcely notices a person of either sex, without mentioning, at the same time, the monastery in which that individual was educated. Neither was this education confined to the nobles, or to the wealthy. The children of their tenants, and the very poorest of the poor, were there instructed in religion and morality. A school was as regular an appendage to a monastery, as a chapel.

But what was the religion, what the morality, that was taught in them?

If we credit doctor Robertson *, “ Instead of
“ aspiring to sanctity and virtue, which alone can
“ render men acceptable to the great Author of
“ order and excellence, they imagined, that they
“ satisfied every obligation of duty, by a scrupulous
“ observance of external ceremonies. Religion,
“ according to their conception of it, comprehended
“ nothing else; and the rites, by which they persuaded themselves, that they could gain the
“ favour of heaven, were of such a nature as might
“ have been expected from the rude ideas of the
“ ages, which devised and introduced them. They
“ were either so unmeaning, as to be altogether
“ unworthy of the Being to whose honour they
“ were consecrated; or so absurd, as to be a disgrace to reason and humanity. All the religious
“ maxims and practices of the dark ages,” continues

* History of Charles the Fifth, vol. i. p. 19, note 1, quarto edition.

the royal historiographer, in a note to this passage,
“ are a proof of this. I shall produce one remarkable
“ testimony, in confirmation of it, from an
“ author canonized by the church of Rome, St. Eloy
“ or Eligius, bishop of Noyon, in the seventh
“ century :—‘ He is a good christian, who comes
“ frequently to church ; who presents the oblation,
“ which is offered to God, upon the altar ; who
“ doth not taste of the fruits of his own industry,
“ until he has consecrated a part of them to God ;
“ who, when the holy festivals shall approach, lives
“ chastely, even with his own wife, during several
“ days, that, with a safe conscience, he may draw
“ near to the altar of God ; and who, in the last
“ place, can repeat the creed and the Lord’s prayer.
“ Redeem then your souls from destruction, while
“ you have the means in your power ; offer presents
“ and tithes, to churchmen ; come more frequently
“ to church ; humbly implore the patronage
“ of the saints, for, if you observe these things, you
“ may come with security, in the day, to the tribunal
“ of the eternal Judge, and say, give to us,
“ O Lord ! for we have given unto thee.’ ” Dacherii
Spicilegium veter. Script. v. ii. p. 94. “ The learned
“ and judicious translator of doctor Mosheim’s
“ Ecclesiastical History, from one of whose additional
“ notes I have borrowed this passage,
“ subjoins a very proper reflection : ‘ We see here
“ a large and ample description of a good christian,
“ in which there is not the least mention of the
“ love of God, resignation to his will, obedience
“ to his laws, or of justice, benevolence, and charity

"towards men.'" Mosheim, Eccles. Hist. v. i. p. 324.

A charge, expressed in more direct or stronger terms, against the clergy of the middle ages, for teaching a false and depraved system of morality, cannot be imagined. What, then, must be the surprise of the reader, when, from the perusal of the following passage, in Mr. Lingard's learned and elegant "Antiquities of the Anglo-Saxon Church*," he finds the whole to be an absolute misrepresentation? "From that period," says Mr. Lingard,—referring to the publication of doctor Robertson's History,—“this citation from the writings of “St. Eloy, or St. Eligius, has held a very distinguished place, in every invective which has been “published against the clergy of former ages : and “the definition of the good christian has been re- “echoed a thousand times by the credulity of “writers and their readers. May I hope to escape “the imputation of scepticism when I own, that I “have always been inclined to mistrust this host “of witnesses, and their quotations? I, at last, resolved to consult the original document ; nor were “my expectations disappointed. I discovered, that “the bishop of Noyon had been foully calumniated ; “and that, instead of his real doctrine, a garbled “extract had been presented to the public. That the “good christian should pay the dues of the church, “he indeed requires : but, he also requires, that “he should cultivate peace among his neighbours ; “forgive his enemies ; love all mankind as himself ;

* P. 91, note 6.

“ observe the precepts of the decalogue ; and faithfully comply with the engagements, which he contracted at his baptism.”

We insert the text of the bishop in a note* ; the following is Mr. Lingard's translation of it : “ It does not, therefore, most dear christians, suffice to you, that you have received the christian name, unless you do christian works. For, to him, it avails to be called a christian, who always keeps in his mind the precepts of Christ ; and fulfils them by his works. Such is he, who does not steal ; who does not bear false witness ; who does not lie or forswear ; who does not commit adultery ; who hateth no one, but loveth all, as himself ; who does not return evil to his enemies, but rather prayeth for them ; who does not raise quarrels, but recalls quarrellers to peace. On account of its similarity,” continues Mr. Lingard, “ I shall subjoin another description of the good christian from an Anglo-Saxon prelate, Wulstan, archbishop of York :—“ Let us always profess one true faith ; and love God with all our mind and might ; and carefully keep all his commandments,

* “ Non ergo vobis sufficit, charissimi, quod christianum nomen accepistis, si opera christiana non facitis. Illi enim prodest, quod christianus vocatur, qui semper Christi precepta mente retinet, et opere perficit : qui furtum, scilicet, non facit ; qui falsum testimonium non dicit ; qui nec mentitur, nec pejerat ; qui adulterium non committit ; qui nullum hominem odit ; sed omnes, sicut semetipsum, diligit ; qui inimicis suis malum non reddit, sed magis pro ipsis orat ; qui lites non concitat, sed discordes ad concordiam revocat, &c.” Dach, Spicil. tom. v. p. 213. 1

“ and give to God that part, (of our substance),
“ which, by his grace, we are able to give ; and
“ earnestly avoid all evil ; and act righteously to
“ all others, as we wish others to behave to us.
“ He is a good christian who observeth this*.”

Such was the doctrine taught in the monasteries. May it not be confidently asked, whether it be not the morality of the gospel? whether any purer lessons of morality can be cited? and whether, the institutions, which taught it,—and without which it might not have been taught,—were not, with all the imperfections, justly, or unjustly imputed to them, eminently useful to the community?

6. It may, moreover, be confidently asserted, that agriculture has not had better friends than the monks. To the truth of this assertion our own country bears the most ample testimony. That the monks were most indulgent landlords, that their tenants prospered under them, and that, at the time of the dissolution of monasteries, the lands belonging to them, were in the highest state of cultivation, which was known at that time,—is admitted. Generally speaking, the lands, bestowed upon them, were the refuse of the soil, when they received them : it was by the unceasing and regular toil of centuries, that they brought them to the state, in which they were found at the dissolution. No one can turn over the pages of Dugdale's *Monasticon*, or *History of Embankment*, without being sensible of the magnitude of their labours, in gaining land from the sea;

* *Sermo Lupi episc. ap. Whel. p. 487.*

and in rendering the fen, the morass, and the marsh, both profitable and habitable.

Add to this, that the pious inmates of a monastery, regularly spent almost the whole of their income in its neighbourhood. This attracted the labourer, the artisan, and the manufacturer. It seldom happened that a village did not rise, or that a village did not become a town, in any place where a convent flourished. It is said that, when the emperor Charles the fifth heard of the fate of the English abbies, and of the channels into which their revenue was turned, he exclaimed,—“Now has “ Henry killed the hens that laid golden eggs*.”

7. It is unnecessary to repeat, what has been said in a former page, respecting their encouragement of architecture, sculpture, and the other arts. No intelligent eye can survey any one of the many cathedral churches, which still ornament this island, without being struck with the skill, which was required to raise it, or feeling how greatly its erection must have contributed to the advancement of art and science; how many poor it must have clothed and fed; how much labour it employed, how much talent it called into action, and how greatly all this must have tended to humanize the boisterous spirit of the times, to dispel ignorance, and to introduce the arts, the habits, and the blessings of peace and industry. It is difficult to imagine an institution, which the spirit of the times would have endured, that was likely to promote;

* Collier's Ecc. Hist. vol. ii. p. 176.

in a greater degree, peaceful and useful occupations,—the great desideratum of the middle ages.

Permit the writer to add:—For several years, the greatest geniuses of this country have employed their talents on the subject of political economy. Their grand discovery appears to be, that nothing contributes so greatly to the wealth, or strength of the nation, as the celibacy of those, who have not the means of providing for the offspring of their marriages. Now, of such persons, monasteries were,—and of such they are still,—principally composed. Therefore, if the above axiom be founded in truth, and,

- - - - - Hoc Janus summus ab imo
Perdocet, hæc recinunt juvenes dictata, senesque,

HOR.

it never can apply so well, as in times when, comparatively speaking, there was so little employment for industry, and consequently, when there existed so few ways, by which a poor man could provide for his family.

8. All candid writers acknowledge that learning was cultivated in the monasteries,—and this every one must own, who has perused with attention and impartiality, the tenth chapter of Mr. Lingard's *Antiquities of the Saxon Church*;—or even the fourth chapter of the third book of doctor Henry's learned *History of Britain*. “A library,” says the last of these writers, “was then esteemed so essential to a monastery, that it became a proverb,—a convent without a library is like a castle without an armoury. Some of these monastic libraries

“ were very valuable. Though the abbey of Croy-
 “ land was burned only twenty years after the con-
 “ quest, its library then consisted of nine hundred
 “ volumes, of which three hundred were very large.”
 “ I am sensible,” says Gerardus Tychsen, pro-
 fessor of philosophy and oriental literature, in the
 united universities of Butzow and Rostock, in his
Tentamen de variis Codicum Hebræorum Veteris
Testamenti MSS. Rostochii,—that, “ it is the
 “ general opinion, that the study of the fine arts
 “ was buried during the middle ages. It is, how-
 “ ever, certain, that, while literature was crushed
 “ every where else, she found a refuge in monas-
 “ teries.”—“ There was not one religious person at
 “ Woolstrobe,” says Strype*, “ but that he could,
 “ and did, use, either embrothering, writing books
 “ with very fair hand, making their own garments,
 “ carving, painting, or grafting.” “ There was,”
 says doctor Henry, “ in every monastery, a room
 “ called the scriptorium, or writing chamber; in
 “ which several of the younger monks were con-
 “ stantly employed in transcribing books, and to
 “ which, in some monasteries, considerable re-
 “ venues were appropriated.—Where there were
 “ no fixed revenues for defraying the expenses of
 “ procuring books for this library, the abbot com-
 “ monly imposed an annual tax on every member
 “ of the community, for that purpose. The monks
 “ of some monasteries, in this period, were bitterly
 “ reproached for the extravagant sums they ex-
 “ pended on their libraries.” The transcription of

* Eccles. Mem. vol. i. p. 255.

useful works was always considered by the monks to be an useful and meritorious employment. "To transcribe works," says the pious Thomas à Kempis, "which Jesus Christ loves, by which the knowledge of him is diffused, his precepts taught, and the practice of them inculcated, is a most useful employment. If he shall not lose his reward, who gives a cup of cold water to his thirsty neighbour, what will not be the reward of those, who, by putting good works into the hands of their neighbours, open to them the fountains of eternal life? Blessed be the hand of such transcribers! Which of the writings of our ancestors would now be remembered, if there had been no pious hand to transcribe them!"—It may be added, that Thomas à Kempis was himself an excellent copyist: some of his transcriptions,—among them a Latin bible in four large volumes,—still remain, and show his eminence in caligraphy.

To proceed,—For almost all that has been preserved to us of the writers of Greece or Rome, for all that we know of the languages of those invaluable writers, for all the principal monuments of our holy religion, even for the sacred writings themselves, which contain the word of God, as well as for the traditions of the wise and good, respecting it,—for all these benefits and blessings, we are almost wholly indebted, under Providence, to the monks of the middle ages. Their merit was their own: all the ignorance, all the bad taste, which are justly imputable to them, were owing to the general ruin and devastation

occasioned by the inroads and conquests of the barbarians, and the unceasing wars of the barons. But justice, surely, claims our gratitude to those venerable communities, who strove against the barbarism of the times, and preserved for us all the precious remains of sacred or profane antiquity, that have reached us ; all that we know of our own history, and almost all the historical records that we possess.

9. Far be it from the writer to deny due praise to the biblical exertions of modern times :—but it ought not to be forgotten, that the holy inmates of monasteries were the principal instruments employed by divine Providence in preserving the sacred volumes which compose the bible. We have the names of seven English monks, who translated the scriptures, or some parts of them, into the English language. The venerable Bede expired while he was dictating a translation of the gospel of St. John.—It has been invidiously observed, that, in these times, copies of the bible were few : perhaps the scarcity has been exaggerated ; but, that there should have been a scarcity, is not surprising. Copies were then only procured by the slow labour of transcription ; they were not, as now, instantaneously multiplied by the simultaneous operations of innumerable presses. The transcription of a whole bible must have employed several months ; and would, it is supposed, have cost upwards of fifty pounds. Taking this into account, and considering how few among the laity, even in the higher ranks of life, could then read ;

considering also the destruction of monuments of antiquity at the time of the reformation, we shall rather be surprised at the number, than scandalised at the scarcity of the ascertained manuscripts of the sacred volume.

Such, then, were the advantages, derived by the public, and by individuals, from monastic establishments. "The world," says a writer in the *Quarterly Review* for the month of December 1811, speaking of the Benedictine monks, "has never been so deeply indebted to any other body of men as to this illustrious order; but historians, when relating the evil, of which they were the occasion, have too frequently forgotten the good which they produced. Even the commonest readers are familiar with the arch miracle-monger, St. Dunstan, while the most learned of our countrymen scarcely remember the names of those admirable men, who went forth from England, and became the apostles of the north. Tinian, and Juan Fernandez are not more beautiful spots on the ocean, than Malmesbury, and Lindisfarne, and Jarrow, in the ages of our heptarchy. A community of pious men, devoted to literature, and to the useful arts, as well as to religion, seems, in those ages, like a green oasis amid the desert. Like stars in a moonless night, they shine upon us, with a tranquil ray. If ever there was a man, who could truly be called venerable, it is he, to whom that appellation is constantly affixed—Bede,—whose life was passed in instructing his own generation, and preparing

“records for posterity. In those days, the church
 “offered the only asylum from the evils, to which
 “every country was exposed; amidst continual
 “wars, the church enjoyed peace: it was regarded
 “as a sacred realm, by men, who, though they
 “hated each other, believed and feared the same
 “God. Abused, as it was, by the worldly-minded
 “and ambitious, and disgraced by the artifices of
 “the designing, and the follies of the fanatic, it
 “afforded a shelter to those, who were better than
 “the world, in their youth, or weary of it in their
 “age; the wise, as well as the timid and the
 “gentle, fled to this Goshen of God, which enjoyed
 “its own light and calm, amid darkness and
 “storms.”—This just and generous tribute of grati-
 tude and respect, should be inscribed on every
 ruin, which still exists, of these venerable esta-
 blishments.

· CHAP. XVII.

THE DISSOLUTION OF MONASTERIES.

1540.

TWO events, I. The suppression of the order of the Knights Templars: II. And the suppression of the Alien Priories, preceded, and in some measure prepared the public mind in England for the general dissolution of all the monasteries within the realm Succinct historical minutes of each of these events, may, therefore, be acceptable to the reader.

An account will follow, III. Of the license granted by the pope to cardinal Wolsey, to dissolve some of the smaller monasteries : IV. Of the dissolution of the remaining smaller monasteries : V. and of the subsequent dissolution of the greater.

XVII. 1.

The Suppression of the Order of the Knights Templars.

It has been mentioned, that the Knights Templars were one of the military orders, established in the church, for the defence of the faith in the east, against the Saracens, and for the protection of the pilgrims, who resorted to the Holy Land. They took their name from a monastery in Jerusalem, given to them by Baldwin, the second king in that city, after its conquest, in the first crusade. The order was founded in 1118 : as we have said of the order of Malta, it was divided into three classes, to the nobles was assigned the profession of arms, for the purposes just expressed ; the ecclesiastics were appointed to exercise their religious functions, for the benefit of the order ; the lay-brothers had the care of the pilgrims and sick. For several years, the members of the order were distinguished equally for their piety and valour. St. Bernard composed a panegyric on them ; in which language seems to sink under him while he celebrates their virtues : but insensibly their fervour decayed, and luxury found its way among them. This led to the dissolution of the order. The best view of it is

given in a recent work of M. Renouard *. He makes it highly probable, not only, that some laxity of morals prevailed in the order, but that there were also some associations in it, among which the disbelief of christianity was avowed and expressed by grotesque and obscene rites: but he equally shows, that neither this infidelity, nor these infidel practices, were general; and that the credit of the charges, brought against the order, is fundamentally shaken by the very means, which were used to prove its guilt.

On the 13th of October 1307, the grand master, and every Knight Templar, in France, were arrested, imprisoned, and put in irons. A bare sustenance was allowed them; they were refused counsel; the visit of their friends was interdicted. Life, liberty, and reward were offered to those, whose confessions would charge the order with guilt; and, as an inducement to such confessions, a forged one, by the grand master, of its general criminality, was produced.

The individuals who denied the charge, were delivered to the most horrid tortures. The most common of these was the torture of *the pulley*: the hands of the sufferer were tied behind him; enormous weights fixed to his feet; and the cord, which tied his hands, was brought over a pulley. On a signal, he was suddenly drawn up; then,

* Mémoires Historiques relatifs à la Condamnation des Chevaliers du Temple, et à l'Abolition de leur Ordre; par M. Renouard, membre de l'Institut Impérial de France, et de la Légion d'Honneur. 8vo. Paris, 1813.

suddenly let fall, to a distance of some feet from the ground. His whole frame was dislocated by the sudden shock ; and, in this state, he long remained suspended. *The fire*, was a still more severe infliction : the sufferer was made to lie on his back, with his body fastened to the ground ; then, the soles of his feet were anointed with an unctuous matter, and exposed to the fire : the feet of others were inserted in an *iron shoe*, which was gradually compressed, until every bone was broken : the legs of others were screwed into *iron boots filled with quick lime*. That such proceedings should produce several confessions of guilt cannot excite surprise.

In other kingdoms, proceedings were instituted against the order, but were conducted with much greater form, and with more humanity : the consequence was, that, in these, the knights were either honourably acquitted, or only partially condemned *. This circumstance detracts also from the authority of the proceedings of the French tribunals.

At the earnest instance of the French monarch, pope Clement the fifth caused a general council to be assembled at Vienne, in Dauphiné, and the knights were solemnly cited to it to defend the order. Nine appeared, and were immediately ordered to be imprisoned and put in irons : at this unjustifiable proceeding, the fathers of the council expressed great indignation.

* The whole process against the English Knights Templars is inserted in Wilkins, Concil. vol. ii. p. 329, 406.

It is generally supposed, that the order was abolished by the council ; but this is a mistake. The pope assembled the cardinals, and several prelates, in a secret consistory ; and there, abolished the order by his own authority. At the second sessions of the council he published the decree of abolition : the members present heard it, (it cannot be said they accepted it), in solemn silence. Four days afterwards, the pope, in his bull, *Considerantes dudum*, announced that the charges against the order were sufficiently proved, to render them strongly suspected ; but, not sufficiently proved, to authorise a judicial sentence. For this reason, he professed to have abstained from a definitive sentence, and only passed a provisional condemnation. It is observable, that Clement the fourteenth, in his bull for suppressing the order of the Jesuits, adverts to this circumstance, and expressly says, that “ the general council of Vienne, to “ whose examination the pope had committed the “ business, advised him to adopt this provisional “ mode of proceeding.”

Combining all these circumstances, it seems impossible not to acquit the Templars of the general guilt imputed to their body : if some members were chargeable with irreligion, their number was not great ; if some irreligious associations were formed, these must have been exceedingly few,—and seem to have been merely meetings of sensuality : it is evident, at least, that nothing of the metaphysical speculations of atheism entered into them.

The last act of the tragedy was the burning of the grand master, Jacques de Molay. He was of an illustrious house of Burgundy, and, at the time, when the storm burst on the order, was carrying on, with great valour, a war, in the island of Cyprus, against the Turks. By the command of the pope, he quitted it, and, attended by sixty of his knights, all of noble birth, repaired to Paris; immediately on their arrival, they were cast into prison. The grand master was cruelly tortured: subdued by the violence of the torments, he confessed the general guilt of the order. He was then remanded to prison, and continued in it during six years. On the 18th of March 1313, he was summoned, with three chief dignitaries of the order, before the three commissaries of the cause, and required to acknowledge his guilt. Turning his face to the assembled multitude, "It is most just," he said aloud, "that, on this horrible day, and in these last moments of my life, I should proclaim the iniquity of falsehood, and make virtue triumph. I therefore acknowledge, before heaven and earth, that I have been guilty of the greatest crime. But, it was, when I confessed the truth of the charges made against the order. I now attest its innocence: the love of truth obliges me to declare it. I asserted the contrary, merely to suspend the excessive tortures inflicted on me; and to soften the hearts of those, who inflicted them. I am aware of the torments, which have been inflicted on those, who have had the courage to retract their con-

“fessions : but, this dreadful spectacle is not sufficient to make me confirm a first lie by a second : rather than comply with so infamous a condition, I renounce life.”

A knight, who attended him, made a similar declaration. A council of state was immediately assembled by order of the king ; who condemned both to perish by a slow fire. They were, accordingly, fastened to an iron stake ; and a small fire was lighted under them. In this horrible situation they long continued,—protesting their innocence to the last.

Some readers may, perhaps, acquit the Templars wholly of the charges imputed to them. This, perhaps, is going too far : yet it should not be forgotten, that the evidence against them arises, altogether, from the depositions taken before commissioners appointed by their enemies, and extorted from the witnesses by hopes, intimidation, and torture ; while every method was used to mislead the judgment, inflame the imagination, and rouse the passions of the public against them. If, from such materials, and under such circumstances, arguments, so powerfully vindicating their innocence, have been collected, how would the case have stood, had they been allowed to make their own statements, urge their own defence, and expose, in their own manner, the artifices and cruelty of their adversaries ?

XVII. 2.

The Suppression of the Alien Priors.

THE alien priories may be considered as filiations from the foreign abbies. Some depended entirely upon their foreign parents,—receiving from them their priors, and remitting to them, all that remained of their income, after supplying the necessary wants of the community. The dependence of the others was almost nominal: they elected their own priors, and were absolute proprietors of their own estates. The former had long been the objects of the jealousy of the English government, on account of their sending out of the country a large proportion of the revenues. In the fourth year of Henry the fifth, when he was at war with France, an act was passed, by which all the alien priories were suppressed, and their estates vested in the crown.

XVII. 3.

License granted by the Pope to cardinal Wolsey, to dissolve several of the smaller Monasteries.

To the attacks, which were made upon monasteries by Henry the eighth, Wolsey precluded, by the license, which, in 1525, he obtained from the pope, to dissolve several of the smaller communities. The pope had attached to this license a condition, that no monastery should be dissolved without the previous consent of the king and its

founders. The consent of the king was readily obtained: what arrangements were made with the founders or their representatives, does not appear. The suppressed houses and their possessions became the property of Henry: he conferred them; by new grants, on the cardinal; who annexed some of them to the college at Oxford; and others, to the college at Ipswich, which he had founded. The former is called Christ Church; the latter, immediately after the decease of the cardinal, was neglected, and fell to ruin.

XVII. 4.

The Dissolution of the remaining smaller Monasteries.

HENRY determined on the general dissolution of all the monasteries within his realm, soon after he had assumed the title of supreme head of the church. His first attack was levelled at the smaller institutions, or those, whose yearly income did not exceed two hundred pounds. With this view, he appointed Thomas Cromwell,—(who from a very low situation, had raised himself by his talents to the rank of secretary of state)—to be his vicar-general and vicegerent; with authority to visit all ecclesiastical persons and communities, within his dominions, to rectify and correct all abuses, and, generally to do every thing that the king could do, as supreme head of the church. Henry also authorised him to delegate to others, any portion of the authority thus conferred upon him. Cromwell, accordingly, signed several commissions, autho-

rising the persons named in them to visit all churches, monasteries, and priories, both of men and women; and to inquire into the conduct of archbishops, bishops, and other dignitaries, as well as into the conduct of all superiors of religious houses, both in spirituals and temporals, with directions to make their reports to him on all these circumstances. The visitors,—probably, in conformity to the injunctions given to them by Cromwell, abstained from interfering with the secular clergy, but made a general visitation of all the houses of the regulars. With some exceptions, the report was, in the highest degree, unfavourable to them. The smaller monasteries were said to be the most irregular. The king, already determined on their destruction, dissolved, by an act of the thirty-seventh year of his reign, all the houses of monks, canons, and nuns, which had not above 200*l.* yearly revenue; and which did not contain more than twelve members; vesting, at the same time, in himself, all their real and personal property. The number of houses dissolved, by this act, was three hundred and seventy-six. Their annual revenue was computed at 32,000*l.*; their personal effects at 100,000*l.*

XVII. 5.

The Dissolution of the greater Monasteries.

In 1537, the king ordered a visitation to be made of the remaining or greater houses. The commissioners were directed to inquire into the practices,

by which the religious, as it was alleged, had deceived the people, and nourished superstition, to enrich themselves.

Many of the monks were so much alarmed, that they surrendered their houses and possessions to the king, without waiting the arrival of the visitors. "The chief employment of the visitors, in this, and the two following years," says doctor Henry*, "seems to have been settling the surrenders of the monasteries, and the pensions of the abbots, priors, and monks; making surveys of their estates;—taking possession of their relics, jewels, and plate, which, in some houses, was of great value: selling their furniture, pulling down their churches, and such of their other buildings, as were only suited, and useful, to monastics; disposing of their bells, lead, and other materials. It is incredible how many magnificent churches, cloisters, libraries, and other buildings, which had been erected at an immense expense of money and labour, were unroofed and ruined in the short space of three or four years. To this dreadful havoc, Henry and his courtiers were prompted, partly by their avarice, and partly to prevent the re-establishment of monasteries. To finish this great affair, a parliament was called, which met at Westminster, April 28, in the year 1549. On the 13th of May, a bill was brought into the house, for granting to the king, his heirs and successors, all the houses, lands, and goods, of all the abbeys, priories, nunneries, chantries, hos-

* History of Great Britain, vol. vi. p. 443.

“pitals, and religious houses, that had been already
“surrendered or suppressed, or that should there-
“after be surrendered or suppressed. The bill
“passed both houses, with much less opposition
“than might be expected ; and, in consequence of
“it, all the possessions of six hundred and forty-
“five convents, ninety colleges, two thousand three
“hundred and seventy-four chantries and free
“chapels, and of one hundred and ten hospitals,
“were annexed to the crown. The yearly rent of
“their lands was estimated at one hundred and
“sixty thousand pounds. The jewels, plate, fur-
“niture, and other goods, must have amounted to
“a prodigious sum, of which no computation can
“now be made.”

A very small proportion only of the property of the convents was appropriated to the service of the public. The whole was soon distributed by the monarch, with inconsiderate profuseness, among his courtiers. The best account of this extraordinary event, which has come to the hands of the writer, is given in Collier's Ecclesiastical History. He sheds a generous tear over the sufferers ; and, while he asserts the criminality of some individuals, and the disorders of some houses, he honourably and successfully advocates the general integrity of the body.

In the opinion of the writer of these pages, the report of the commissioners is wholly unworthy of credit.—We have seen, how little attention to truth, and how gross a violation of justice, were shown, even in the proceedings of the parliament, and in

the highest courts of justice, against the most exalted and most distinguished personages, whom the king wished to oppress, and whom all, except the king, wished to save. How much less, then, must naturally have been the attention paid, either to truth or justice, where monks and nuns were to be persecuted? Where obscure individuals were appointed to report upon their conduct; where the king was determinately bent upon their ruin; where his courtiers were indifferent to their fate; and where plunder of them was the general aim;—the immediate expectation of many, and the sanguine hope of almost all!

XVII. 6.

The Loss which Learning sustained by the Dissolution of Monasteries.

THE loss which learning sustained by the destruction of books and manuscripts, was great. Bale, a man remarkably hostile to the roman-catholic religion, and to monastic institutions, says*, that “a number of them, which purchased these “superstitious mansions, reserved of those library “books, some, to form their jakes; some, to scour “their candlesticks; and some, to rub their boots. “And some, they sold to grocers, and soap sellers; “and some, they sent over the sea to the book- “binders, not in small numbers, but, at times, in “ships. I know a merchant, (who shall, at this

* Declaration upon Leland's Journal, ann. 1549. Fuller's Church History, book vi. p. 333.

“ time, be nameless), that bought the contents of
 “ two noble libraries, for forty shillings price. A
 “ shame it is to be spoken ! This stuff has been
 “ occupied instead of grey paper. I judge this to
 “ be true,—and utter it with heaviness,—that nei-
 “ ther the Britains, under the Romans and Saxons ;
 “ nor yet the English people, under the Danes and
 “ Normans, had ever such damage of their learned
 “ monuments, as we have, in this our time. Our
 “ posterity may well curse the wicked fall of our
 “ age ; this unreasonable sport of England’s most
 “ noble antiquities.”

CHAP. XVIII.

POPE PAUL THE THIRD EXCOMMUNICATES HENRY THE EIGHTH.

IT has been related, that, when Clement the seventh pronounced his sentence for the validity of Henry’s marriage with Katharine of Arragon, it was accompanied with a threat of excommunication, in case he refused to adhere to the marriage : “ But the pope lived not,” says Echard*, “ to execute any censures against the king : so, “ that, instead of the matters being past reconcili-
 “ liation, there was only a sentence, annulling
 “ what the archbishop of Canterbury had done.”
 Moderate men, therefore, still hoped, that an ami-

* History of England, vol. ii. p. 281.

cable adjustment between the parties might yet be effected.

Clement the seventh died about six months after he had pronounced the sentence on the divorce. He was succeeded by Paul the third, of the illustrious family of Farnese: the hopes of a satisfactory arrangement between the monarch and the see of Rome were increased by his elevation; as, when cardinal, he had favoured the cause of Henry; but they vanished on the execution of bishop Fisher. Soon after the news of this event had reached Rome, the pope issued a bull, by which he cited Henry to appear before him within ninety days. As soon as these expired, he declared the monarch excommunicated, and laid the whole kingdom under an interdict. Whatever a catholic may think of the prudence of the excommunication, he must admit, thus far,—that a right to excommunicate a member of the catholic church, be he sovereign, or be he subject, belongs to the pope: but, unfortunately, the pontiff did not confine himself to excommunication: by an assumption of authority, of which, subsequently to the elevation of Gregory the seventh, the papal history affords too many examples, he deprived Henry of his crown, dissolved all leagues of catholic princes with him, gave away his kingdom to any invader, commanded his nobility to take up arms against him, freed his subjects from all oaths of allegiance, cut off their commerce with foreign states, and declared it lawful for any one to seize

them, to make slaves of their persons, and to convert their effects to their own use.

He withheld, however, the publication of the bull till the act of parliament for the dissolution of the greater monasteries was passed, and carried into execution. Then, by another bull, he confirmed and established the former*.

The separation from the church was now consummated. May the writer be permitted to suggest, that, among the various causes of this great calamity, not any, perhaps, had greater influence, than the mistaken notions, entertained on both sides, respecting the nature of spiritual and temporal power? When the pope assumed the temporal, and the king assumed the spiritual, supremacy, each was equally in the wrong.—If, by a happy anticipation, a Bossuet had arisen, and explained to the pope, that he had no right to legislate in temporal concerns, or to enforce his spiritual legislation by temporal power,—and to the monarch, that he had no right to legislate in spiritual concerns, or to enforce his temporal legislation by spiritual power,—it is possible, that the schism would have been avoided, and a moderate scheme of reformation adopted, which would have satisfied the wise and the good of both parties.

A late respectable writer,—the honourable Daines Barrington, in his learned and entertaining

* A full account of each of these bulls is given by Dodd, vol. i. p. 294, 297.

“Observations on the Ancient Statutes*,” thus expresses himself on the subject of the papal power during the middle ages :

“Protestantism hath been so long established in this country, and to its so very great improvement, that one may venture to mention a supposed advantage to christendom, from the great influence of the popes in former centuries, without being suspected of being tainted with the gross absurdity of the popish doctrines, or a wish to see them re-established. As Englishmen, we are, with reason, indignant at the submission made by king John of his crown and rights to the see of Rome; but still there was a great use to Europe in general, from there being a common referee in all national controversies, who could not himself ever think of extending his dominions, though he often might make a most improper use of his power as a mediator. The ancients seem to have found the same convenience in referring disputes to the oracle at Delphi.

“Must not a protestant, then, admit, that (when the weaker power was oppressed by the more powerful, and when there were no alliances between the different parts of Europe to support each other with a certain number of troops, in case of an attack) there was often convenience in appealing to a mediator, who by the terror of his anathemas might say with effect, ‘your conquest and oppression must not extend any

* 31 Hen. VIII. p. 509.

“ further: I have taken the oppressed under my
 “ protection?’ And was not England delivered
 “ from a foreign army in possession of the capital,
 “ by the intercession and menaces of the pope?”

CHAP. XIX.

ECCLESIASTICAL REGULATIONS IN THE REIGN OF HENRY.

TO give the reader a notion of the religious alterations introduced into England by Henry, and his successors, it seems proper to state, succinctly, I. The different religious systems of the primitive Lutherans, Zuinglians, Calvinists, and Anabaptists: II. A summary account of the ecclesiastical regulations, in the reign of Henry the eighth, respecting the election of bishops: III. And the general reading of the Bible in the English language, by the laity: IV. His guidance of the faith and devotions of his subjects: V. His persecutions: VI. and death.

XIX. 1.

Preliminary View of the different Religious Systems;—of the Lutherans, Zuinglians, and Calvinists.

THE author's historical and literary Account of the Formularies, Confessions of Faith, or Symbolic Books, of the Roman-catholic, Greek, and principal

Protestant Churches*, will, perhaps, be found to present a distinct outline of the creeds of the founders of these religious communions.

1. The tenets of the Lutherans are accurately and fully expressed, in the confession of Augsburg:—a solemn formulary of faith, presented, in 1530, by the Lutheran princes of Germany to the emperor Charles the fifth, at a diet, holden in that city. The distinctive articles of the Lutheran creed are,—that, in the sacrament of the eucharist, two things are exhibited, and received together;—the one, earthly, which is bread and wine; the other, heavenly, which is the body and blood of Christ:—that, in Christ, there are two distinct natures,—the divine and the human; and that these remain eternally unconfined, inseparable, and undivided:—that, by baptism, God saves us, and works in us, justice and purgation of our sins; that he, who perseveres to the end, in that covenant and hope, does not perish, but has eternal life;—and that Christ died for all men, and wills that all men should be saved.

2. In opposition to the Lutheran doctrine on the eucharist, the Zuinglians maintained, that, in the sacrament, the bread and wine are only signs and symbols of the absent body of Christ; so that the eucharistic rite is merely a pious and solemn ceremony, instituted or ordained to bring the passion and the death of Christ to the remembrance of the faithful. In the doctrines respecting baptism, the Lutherans and Zuinglians generally agree: with the doc-

* One vol. 8vo.

trines, concerning the will of God for the salvation of the whole, or a part only of mankind, the Zuinglians did not meddle.

3. Calvin maintained, that when the true christian receives the sacrament of the eucharist, with a lively faith, he is united indescribably, but yet really, to Jesus Christ incarnate : so that, to him, Jesus Christ is really, though not corporally, present in the sacrament. Thus, when Calvin advocated, the reality of the presence, he seemed to hold the language of Luther : when he denied the corporal presence, he seemed to speak the language of Zuingle.—According to Calvin, baptism is not absolutely essential to salvation ; and not all, but the elect only, obtain by it the grace of God, and the gifts of faith. Calvin also maintained, without any qualification, that God, from all eternity, predestinated one part of mankind to everlasting happiness ;—the other, to everlasting misery : and that he was led to make this distinction, by no other motive than his own mere pleasure.

4. On their notions, respecting the use of ceremonies in religion, respecting the gradations of rank in the hierarchy, and respecting the subordination of the ministers of the church to the magistracy, there was a considerable difference of opinion among the first reformers. Much ceremonial, much gradation of rank, much subordination to the magistracy, was allowed by the Lutherans ; less, by the Zuinglians ; next to none, by the Calvinists. In doctrine and discipline, the Calvinists and the English puritans agreed almost entirely. It is observable, that, though their formularies sound

differently, yet the doctrine of Zuingle, that the eucharist is no more than a solemn rite, has insensibly obtained admission into all the protestant churches.

5. The Anabaptists were not, at the time of which we are speaking, that peaceable, and respectable community, who are now distinguished by this appellation. They, then held,—as they hold still,—that baptism ought to be administered only to those who have attained to years of understanding; and that then, it should be performed by immersion;—a harmless doctrine, so far as civil society is interested. But, they were accused,—and not without foundation,—of teaching, that “all things ought to be in common among the faithful; that taking interest for the loan of money, tithes, and tribute, ought to be entirely abolished; that, in the kingdom of Christ, civil magistrates are absolutely useless; and that God still continues to reveal his will to certain persons, “by dreams and revelations*.”

XIX. 2.

Ecclesiastical Regulations of Henry the eighth respecting the appointment of Bishops.

IN an early part of this work some mention was made of the disputes between the popes and the sovereigns of Europe, respecting investitures.—They subsisted too long, but at length were amicably arranged.

* Mosheim's Ecc. History, cent. xvi. c. iii. sect. 5.

In respect to the right of nominating to bishoprics,—they were finally settled—in Germany, by the concordat of 1447, which confined the election of bishops to the chapters, exercising that right;—in France, by the concordat of 1516, which vested the nomination to bishoprics, and the collation of certain benefices of the higher class in the kings of France;—in Spain, by prescription, repeatedly allowed by the popes, under which the kings have uninterruptedly exercised the right of nominating bishops;—and in England, by the charter of king John, recognized and confirmed by his great charter, and by an act of Edward the third*, which gave up to the chapters the free right of electing their prelates; but that statute is virtually repealed by a statute of Henry the eighth†, by which, the chapters, if they do not elect the person recommended by the king's letters missive, are subjected to the penalties of *præmunire*.

As to the mode of investing bishops elect with their temporalities:—at a general diet held at Worms in 1122, it was settled, that bishops should be chosen by those, to whom the right of election belonged, in the presence of the emperor or his ambassador; that, in the case of a dispute among the electors, the emperor should decide; and that the bishop should take an oath of allegiance to the emperor, and receive his temporalities from him by the delivery of the sceptre, and do the emperor homage for them. This convention was solemnly

* 25 Edw. III. st. 6, s. 3. † 25 Hen. VIII. c. 7.

confirmed in the following year at the council of Lateran. Speaking generally, this form of investiture has been adopted in every part of christendom.

XIX. 3.

Ecclesiastical Regulations in the reign of Henry the eighth, respecting the general reading of the Bible, in the English language, by the Laity; and some account of the Translation of it, 1st, by Tyndale; and 2dly, by Coverdale: 3dly, of the Edition of the latter by Cranmer: 4thly, and of the Proclamations and legislative Enactments, respecting them.

WHEN Henry assumed the title of head of the church, it was naturally expected that he would have receded much farther, both in doctrine and discipline, from the see of Rome, than he did in reality. Respecting the propriety of a farther reformation, his council was much divided. Anne Boleyn, the new queen, Cranmer, who had succeeded Warham in the see of Canterbury, Cromwell, and several other persons of distinction, were its warm advocates: on the other hand, it was strenuously opposed by the lord chancellor, the duke of Norfolk, and the bishops of Winchester and Rochester: and to their opinion, the king was strongly inclined, both from principle and affection.

By education, he was attached to the catholic church: by his writings in her defence, he had acquired great renown; he was proud of his title of defender of the faith, and prouder still of his spiritual supremacy over the church of England.

On the other hand, the savage and contemptuous treatment, which he had received from Luther, alienated him from that reformer and his adherents; while the severe simplicity of the creeds and liturgies of Zuingle and Calvin, had no attractions for him. Still, he was fond of exercising his spiritual authority; and willingly interfered in the concerns of the church. The chief of his interferences should be noticed: with this view we shall succinctly mention, 1st, his principal proclamations and legislative enactments, respecting the general reading of the Bible by the laity; and 2dly, the most remarkable of his doctrinal regulations.

The new translation of the Bible afforded the monarch an early opportunity for the exercise of his spiritual supremacy. It is well known, that, since the troubles, occasioned by the Albigenses, in the ninth and tenth centuries, it has been a point of catholic discipline, to prohibit, to the laity, the reading of the scriptures in the vulgar tongue, without the special leave of their respective pastors*. The reformers were anxious that such translations of them should be made, and generally circulated.

It is to be observed, that there are many Anglo-Saxon versions of different parts both of the Old and of the New Testament. Of the translation by archbishop Elfric, we have,—of the Old Testament, the Heptateuch, published by Edmund Thwayte at

* This is shown in the writer's "Essay on the Discipline of the Church of Rome respecting the general perusal of scripture, in the vulgar tongue, by the Laity," in the Appendix to the Confessions of Faith, already cited.

Oxford, in 1699;—and, of the New Testament, the gospels only, published by Matthew Parker, at London, in 1571. They were printed by Franciscus Junius and Thomas Marshal, at Dordrecht, with the Mæso-gothic version, in 1665, 4to. and reprinted at Amsterdam, in 1684. An Anglo-Saxon version of the Psalms, evidently translated from the Vulgate, was published by sir Henry Spelman.

It is generally said, that the most ancient English translation of the Bible is that of Wickliffe. This is an error:—"The whole Bible was, before Wickliffe's days, by virtuous and learned men, translated into the English tongue, and by good and godly people, with devotion and soberness, well and reverently read*." In the preface to Wickliffe's Bible, by Lewis, mention is made of two English translations of part of the Bible, still existing in manuscript, and anterior to Wickliffe's. His translation was finished about the year 1367; and revised by one of his followers. Both the original and the revised translation, are still extant in manuscript: the manuscript copies of the latter are more rare, than those of the former. In the writer's *Horæ Biblicæ**, it is said that printed copies of it are not uncommon.—This is a great mistake, as the work was never printed.

In compliance with the wishes of the reformers, William Tyndale, a Welchman, settled at Antwerp, assisted by John Fry, a learned layman, and William Roye, a friar, translated the New Testament from the Greek, into English. In 1526, he pub-

* Sir Thomas More, dial. iii. c. 14. † Sect. xv.

lished his translation; and procured several copies to be conveyed to England. The success which it met with, induced him to continue his labours. In 1530, he published a translation of the Pentateuch from the Hebrew. Numerous editions of the New Testament, and some editions of the Pentateuch, were printed.

In 1535, Myles Coverdale, an Augustinian friar, published a complete translation, made by himself, of all the Old and New Testament. These translations,—Tyndale's, in particular,—gave offence; and great efforts were made to suppress the copies. Among his opponents, Tyndale had the honour to reckon sir Thomas More. Several propositions, which sir Thomas extracted from the writings of Tyndale, are as opposite to those of the church of England, as they are to those of the church of Rome. "If he is not misreported," says Collier*, "he has failed both in truth and decency in several material points. In short, his heterodoxies are too visible to reckon him amongst the reformers of the English church." Coverdale's translation was thought less objectionable than Tyndale's, and, therefore, more favourably received by the public.

At length, the wish to have an authorized version of the Bible was so general, and so strongly expressed, that, in 1536, the clergy petitioned the king, that "he would graciously indulge his subjects of the laity with the reading of the Bible, in the English tongue; and have a new translation of it made for that purpose." Soon after this

* Eccles. Hist. vol. ii. p. 72.

petition was presented, Cromwell, "the vicegerent
" of his majesty for and concerning all the juris-
" diction ecclesiastical within his realm,"—(this is
the title which he assumed in the instrument in
question),—issued his celebrated injunctions to the
clergy. By the 9th, he ordered, that "every per-
" son or proprietary of any parish church should
" provide a book of the whole Bible, both in Latin
" and English ; and lay the same in the quire, for
" every man that would, to loke and read thereon ;
" and that no man should be discouraged from the
" reading any part of the Bible, in Latin or in Eng-
" lish." In consequence of this injunction, a new
version of the whole Bible was printed, in 1537.
It consisted of the translation of Tyndale, so far as
this extended. What Tyndale had left undone, was
supplied from the translation of Coverdale. In the
title, it was said to be translated by Thomas Ma-
thewe,—a fictitious name. It was printed abroad ;
but, in what place, is not known. The types are
certainly German. Amongst bibliographers, it is
generally styled, "Mathewe's Bible." A revised
edition of it was published, in 1539 ; which arch-
bishop Cranmer was supposed to have superin-
tended. Hence, the edition is usually called
Cranmer's Great Bible.

In May 1540, the king issued a proclamation,
requiring curates "to provide themselves with this
" Bible." It fixed the price at two shillings, un-
bound ; and directed, that it should not exceed
twelve shillings, well bound and clasped. But his
majesty gives the people to understand, that "his

“allowing them the holy scriptures, in their own mother tongue, was not his duty, but his goodness and liberality to them*.”

Other proclamations, of the same import, were issued : but, by the act, passed in the last year of the reign of his majesty, “for the advancement of the true religion,”—after reciting in the preamble, that “the people had abused the liberty, with which the king had indulged them, of reading the scriptures,” Tyndale’s translation is condemned as crafty, false, and untrue ; and all the books of the Old and New Testament of that translation are abolished and forbidden to be read. Other translations were declared not to be included in the act : but, if there should be found any annotations in them, they were to be cut, or blotted out, except summaries of chapters. None, but persons specially appointed by his majesty, were to read them, in any church, or open assembly ; but the chancellor, captains of the wars, the king’s justices, the recorder of any town, the speaker, and some others, might continue to use them as before : any noblewoman and gentlewoman might read the Bible privately : women of lower degree, artificers, apprentices, journeymen, serving husbandmen, and labourers, were prohibited from reading the Bible or New Testament, to themselves, or any other person.

* Lewis’s History of English Translations of the Bible, p. 137.

XIX. 4.

Ecclesiastical Regulations of Henry, respecting the Faith and Devotions of his Subjects.

HENRY's pastoral solicitude for the spiritual welfare of his subjects was not confined to their reading of the Bible. Formularies of faith also, and some books of devotion, were published by him, or by his direction, for their use. The principal of these are, his *Primer*; his *Ten Articles* of religious belief; the work called the *Institution of a Christian Man*; and his *Six Articles* of religious belief.

1. The first edition of his *Primer* is said, in the title-page, to be printed by John Biddle, on the 16th of June 1535. It was published, with the approbation, but without the formal authority of the king. When, by the act of parliament already mentioned, the reading of the Bible was prohibited to all persons under the rank of gentlemen, the *Primer* was expressly saved from the prohibition. Abstracting from the circumstance, that it condemns the offering of prayer to angels and saints, its doctrines accord with those of the catholic church.

2. The innovations in religion occasioning much diversity in the doctrines delivered from the pulpit, his majesty, on the 12th of July 1536, sent a circular letter to the bishops, enjoining them to abstain from preaching, until the ensuing Michaelmas. In the mean time, he framed *Ten Articles of Faith*;

and sent them to the convocation, which was then sitting at St. Paul's. They were received with great respect; passed by an unanimous act, and then signed by his majesty. They run in his name; and were published by his authority. Baptism, penance, the sacrament of the eucharist, with the doctrine of transubstantiation, auricular confession, and prayers to the saints, are retained in them. They omit the article of purgatory: the scriptures and ancient creeds, are made the standards of faith.

3. *The Institution of a Christian Man*, was published in 1537, by Berthelet. It was recommended and subscribed by the two archbishops, nineteen bishops, and the lower house of convocation. It contains an explanation of our Lord's prayer, the creed, the seven sacraments, the decalogue, the ave maria, justification, and purgatory. It is observable, that it maintains, in its fullest extent, the doctrine of passive obedience; and that, in the article of orders, it declares, that, "after the conversion of kings and princes, the bishop had recourse to the assistance of the secular magistrate. This was done to reinforce the jurisdiction of the church by the civil sanction. For the church has no authority to inflict pecuniary, or corporal punishment."

4. In the parliament of the year 1538-9,—the last that was holden in the reign of Henry,—the act passed for abolishing diversity of opinions. After a preamble, it propounds "certain articles concerning christian religion." From the num-

ber of the articles, and the severity with which the act was carried into execution, several writers have called it the bloody statute of *the six articles*.

The six articles are,—

“ 1st. That in the sacrament of the altar, after
“ the consecration, there remains no substance of
“ bread and wine; but, under these forms, the
“ natural body and blood of Christ are present.

“ 2dly. That communion of both kinds is not
“ necessary to salvation; to all persons, by the law
“ of God; but that both the body and flesh of
“ Christ are together, in each of the kinds.

“ 3dly. That priests may not marry by the law
“ of God.

“ 4thly. That vows of chastity ought to be ob-
“ served by the law of God.

“ 5thly. That private masses ought to be con-
“ tinued, which, as they are agreeable to God’s
“ law, so men receive great benefit from them.

“ 6thly. That auricular confession is expedient
“ and necessary, and ought to be retained in the
“ church.”

It was, moreover, enacted, that if any person should preach or write, against the first article, he should be judged an heretic, burned, without any abjuration, and forfeit his real and personal estate to the king. Those, who preached, or disputed against the other articles, were to suffer death, as felons, without benefit of clergy: and those, who, either in word or writing, declared against them, were to be imprisoned, during the king’s pleasure;

to forfeit their goods and chattels, for the first offence, and suffer death for the second.

All the bishops, except Latimer of Worcester, subscribed the six articles.—By a subsequent act of parliament, the king was empowered to alter them.

XIX. 5.

Persecutions of those who opposed the Faith or Doctrine of Henry.

IN a former page, a general mention has been made of fifty-nine persons, who received the sentence of death for denying the spiritual supremacy of Henry: the same severity was exercised on those, who denied the doctrine of transubstantiation.

On one occasion, the same cart conveyed three catholics, and three protestants to execution; the former, for denying the king's supremacy; the latter, for denying the doctrine of transubstantiation. The catholics were hanged, drawn, and quartered,—the punishment of treason: the protestants were burned,—the punishment of heresy: all, to the last, persisted in their opinions, and, with their dying breath, forgave their enemies. The execution of the protestants is remarkable, from this circumstance, that several of the council of state, who advised, or consented to the measure, were known to disbelieve the doctrine of transubstantiation, and, in the following reign, concurred in the same sanguinary measures against those, who continued to believe it.

Of those, who suffered in the reign of Henry, for the disbelief of transubstantiation, the execution of Lambert was the most remarkable. Being accused of heresy, and brought before archbishop Cranmer, for denying the real presence, he appealed to the king, as supreme head of the church of England. The king, accordingly, ordered him to be tried before himself, in Westminster Hall, and caused letters to be sent to all the prelates, and the principal nobility and commoners of England, to attend it. He appeared in great state on the occasion. He sat under a white canopy, arrayed in all the insignia of majesty, and clothed in white garments,—emblematic of the purity of faith. The spiritual peers were placed on his right hand; the temporal, on his left; the judges and most eminent lawyers were placed behind the bishops: the officers of state, and the most distinguished courtiers, were ranged behind the temporal peers.

• Lambert acknowledged his disbelief of the real presence of Christ in the sacrament; and, being called upon to defend his opinion, supported it with learning and acuteness. The king replied:—“It was a wonder.”—Cromwell wrote to sir Thomas Wyatt, his majesty’s ambassador in Germany*, “to see, with how much excellent gravity, “and inestimable majesty, he exercised there, the “very office of supreme head of the church of “England!—How benignly his grace essayed to “convert the miserable man! How strong and “manifest reasons his highness alleged against

* Coll. Ecc. Hist. vol. ii. p. 152.

“ him! I wish the princes and potentates of christendom to have had a meet place to have seen it. Undoubtedly, they would have much marvelled at his majesty’s most high wisdom and judgment, and reputed him no otherwise, after the same, than, in a manner, the mirror and light of all other kings and princes in christendom.” Cranmer, and the other bishops, frequently came to the aid of his majesty: Lambert replied. The trial lasted five hours; at length, quite exhausted, Lambert stood silent: Cromwell, as vicar-general, pronounced sentence upon him: it was executed with uncommon circumstances of cruelty.

XIX. 6.

The death of Henry the eighth:—Genealogical Account of the Descendants from Henry the seventh, till the accession of the Stuart dynasty.

1547.

HENRY finished his reign on the 29th of January 1547: it is said, that, in the last years of his reign, he showed a disposition to favour the old religion: by his will, he directed large sums of money to be distributed for prayers for his soul.

Without a clear view of the royal genealogy of England, from the time of the union of the houses of York and Lancaster, in the person of Henry the eighth, till the reign of James the first, it is impossible to obtain an accurate notion of the events, even in the ecclesiastical history of England, during that period. We shall, therefore, present it



3d Wife.

4th Husband.

JANE

1113 XII.

SEYMOUR,
daughter
of Sir John
Seymour;
married
20th May
1536;
+ 1537.

of King of
France;
11st Jan.
rep 515.

King Edward
only child now,
3d Wife; bnf
1537; crown died
23th Feb. 1113,
died 6th J4
1553.

Lady
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to the reader in the form of a table, simplifying it as much as its complexity will admit.

The title of Henry the eighth to the crown was clear and undisputed. In his reign, the succession was regulated by several legislative enactments.

1. By the act of the twenty-fifth year of his reign, the crown was entailed to his majesty, and to the heirs male of his body; failing these, to the lady Elizabeth, who was declared to be the king's eldest issue female, and to the heirs of her body,—(in exclusion of the lady Mary, on account of her supposed illegitimacy, in consequence of the divorce of Henry from her mother, Katharine of Arragon),—and so on, from issue female to issue female, by course of inheritance, according to their age; and failing these, to the king's right heirs.

2. Upon the king's divorce from Anne Boleyn, the lady Elizabeth was bastardized, and the crown settled on the eldest children of the king by lady Jane Seymour, and his future wives; and failing these, to the persons, to whom the king should limit the same by letters patent, or will: "A vast power," says sir William Blackstone, "but notwithstanding, as it was regularly vested in him by the supreme legislative authority, it was therefore indisputably valid*."

3. But, by a statute of the thirty-fifth of his reign, the lady Mary and lady Elizabeth were legitimated, and the crown limited to prince Edward by name, and the heirs of his body; failing these, to the

* Com. book i. c. 3.

lady Mary, and the heirs of her body ; and failing these, to the lady Elizabeth, and the heirs of her body ; and failing issue of both his daughters, to such persons as his majesty should appoint by letters patent, or his will.

4. By his will, Henry limited the crown, in default of issue of his daughters, to the heirs of the body of Lady Frances, the eldest daughter of his sister Mary, and failing such issue, to the heirs of the body of Eleanor, the second daughter of his sister Mary.

5. On the accession of Mary, her title to the throne was recognized by a legislative act*, and the same was done on the accession of Elizabeth†.

6. On the death of queen Elizabeth, without issue, the line of Henry the eighth became extinct.

CHAP. XX.

EDWARD THE SIXTH.

1547.

KING Henry the eighth appointed sixteen executors of his will, and solemnly enjoined them to see it performed ; the principal were Cranmer, Wriottesley, the chancellor, and the earl of Hertford. Wriottesley favoured the old religion, the two others were promoters of the reformation ; Hertford was chosen protector, and acted, from that

* M. p. 2. c. 1 ; and see 1 M. p. 2. c. 2.

† 1 Eliz. c. 2.

time, independently of the council; doctor Cox and Mr. Cheke, known advocates for the reformation, were appointed tutors of the infant sovereign, then in the tenth year of his age. "The parliament," says Heylin*, "consisted of members, who disagreed among themselves, in respect of religion; yet, they agreed well enough in one common principle, which was to serve the present turn and preserve themselves. For, though a great part of the nobility, and not a few of the chief gentry in the house of commons were cordially affected to the church of Rome, yet were they willing to give way to all such acts and statutes as were made against it, out of a fear of losing such lands, as they were possessed of, if that religion should prevail and get up again. And for the rest, who were either to make or improve their fortunes, there is no question to be made, but that they came resolved to further such a reformation, as should most visibly conduce to the advancement of their several ends."

Soon after the infant monarch came to the throne, he issued a proclamation, by which, after some regulation of the ceremonies to be observed at communion, he expressed himself in the following terms: "We would not have our subjects, so much to mistrust our zeal, as though we either could not discern what was to be done, or would not do all things in due time. God be praised, we know both what by his word is meant to be

* Heylin, *History of the Reformation*, p. 48.

“redressed, and have an earnest mind, with all
“diligence and convenient speed to set forth the
“same.”—“The king,” says Collier *, “was but
“ten years in October last; and therefore, to sup-
“pose him a judge in controversy, thus early, and
“make him say, he knew what was fit to be done,
“was somewhat extraordinary.”

The majority of the bishops, and the chief part of the clergy, were certainly on the side of the catholic religion, or of the old learning, as it was then usually termed: but the leading members of the government, being favourers of the reformation, carried the king with them, and soon obtained the ascendancy, both in and out of parliament. The principal ecclesiastical occurrences in the reign of Edward the sixth, are, I. The regulations respecting the election of bishops, and the new admission of the actual bishops to their sees: II. The new visitation: III. The publication of the book of Homilies: IV. The Forty-two Articles: V. The book of Common Prayer: VI. The further suppression of colleges, hospitals, and chauntries; the general destruction of their libraries, and of the articles for sacred or secular use or ornament, belonging to them: VII. And the religious persecution which took place during this reign.

* Coll. Ecc. Hist. vol. i. p. 224.

XX. 1.

The Regulations respecting the Election of Bishops, and the new Admission of the actual Bishops to their Sees.

WE have seen that, by the charter of king John, recognized and confirmed by his great charter, and by the 25th of Edward the third, the chapters had the free right of electing their prelates; and that this statute was virtually repealed by the 25th of Henry the eighth, by which the chapters, if they did not elect the person recommended by the king's letters missive, became subject to the penalties of præmunire. In the first year of the reign of Edward the sixth, a new act was passed for the election of bishops. After reciting that the manner of electing bishops by a *congé d'élire* was but the shadow of an election, it enacted, that, in future, all bishops should be appointed by the king's letters patent only, and should continue the exercise of their jurisdiction during their natural lives, if they should behave well. In the passing of this act, archbishop Cranmer was principally concerned: It was his opinion, that the exercise of all episcopal jurisdiction depended upon the prince. Consistently with this principle, he thought that his own right to exercise the episcopal authority ended with the life of the late king; nor would he act as archbishop, till he had received a new commission from Edward the sixth: on the same ground most of the other prelates obtained fresh commissions for the exercise of their episcopal authority.

XX. 2.

The New Visitation.

IMMEDIATELY after the ceremony of the king's coronation, the regents appointed a royal visitation, and commanded the clergy to preach nowhere, except in their parish churches, without license, till the visitation was concluded. For this purpose they divided the kingdom into six districts, assigning to each, as visitors, two gentlemen, a civilian, a divine, and a registrar. These were directed to proclaim and publish forty-nine injunctions, and to give orders that they should be published, once at least, in every quarter of a year. The spiritual supremacy of the monarch was the leading article; the gospels and epistles were to be read in English; mass, and praying for the dead, were continued:—processions, and some ornaments and ceremonies were set aside. It is observable that, on the death of Francis the first, which happened on the 22d March 1547, a solemn mass and funeral service were sung for the repose of his soul in all the churches in London; the choir of St. Paul's was hung in mourning, Cranmer, the archbishop, with eight other bishops, in their richest habits, assisted at the mass, and a sermon was preached by Dr. Ridley, bishop elect of Rochester*.

* Coll. Ecc. Hist. vol. ii. p. 449.

XX. 3.

The Book of Homilies.

AMONG the injunctions to the visitors there was a direction that they should leave, in every parish, the book of Homilies. It consisted of twelve discourses upon the principal points of the christian faith, and was directed to be left with every parish priest. The discourses are believed to have been composed by archbishop Cranmer, bishop Ridley, and bishop Latimer : bishop Gardiner declined giving them his approbation. A second volume of Homilies was published in the reign of queen Elizabeth.

XX. 4.

● *The Forty-two Articles.*

IN the fourth year of the reign of Edward, it was resolved in council to reform, once more, the doctrine of the church. In pursuance of this order, archbishop Cranmer, and bishop Ridley, framed forty-two articles of christian doctrine ; and copies of them were sent to several bishops, and to other divines, for their consideration. Being returned by them, the articles were approved in council, and had the royal sanction. In the title-page they were styled, " Articles agreed upon by the bishops, and " other learned men, in the convocation held at " London in the year 1522, for avoiding diversity " of opinion, and establishing consent touching " true religion, published by the king's authority." But, by Cranmer's own admission, in the subsequent

reign, it is certain, that these articles never were submitted, either to the parliament or to the convocation. They are, in substance, nearly the same as the present thirty-nine articles of the established church of England.

XX. 5.

The Book of Common Prayer.

THAT the Jews had set forms of prayer, which they used in their synagogues, has been satisfactorily shown by doctor Lightfoot ; that the earliest christians joined in the use of the Lord's prayer, and of the psalms, appears from several passages in the acts of the apostles, and from the apostolic epistles ; that, at an early period of christianity, liturgies were in use, may be justly inferred from those ascribed to St. Peter, St. Mark, and St. James, " which," says Mr. Wheatley*, " are doubtless of " high antiquity." In the course of time, there was a variety of liturgies ; in England, those of York, Sarum, and Bangor, were particularly distinguished. The liturgies of the middle ages consisted generally of the missal and breviary : the former contained the service of the mass ; the latter, those forms of prayer, consisting of psalms, hymns, and lessons, which the clergy were used to recite daily ; and parts of which were solemnly sung in the churches on every Sunday, and principal holiday, for the edification of the laity.

* Rational Illustration of the Common Prayer, (a work of real learning.) Introduction, p. xiii.

The liturgy soon attracted the notice of the reformers. In 1537, a book was published, called, "The godly and pious Instruction of a Christian Man;" it contained, in the English language, the Lord's prayer, the ave maria, the creed, the ten commandments, and the seven sacraments. With some variations, it was republished in 1540 and 1543, under the title of, "A necessary Doctrine and Erudition for any Christian Man." In 1545, the king's Primer was published, containing, among other things, the Lord's prayer, the creed, the ten commandments, Venite exultemus, Te Deum, and several hymns and collects.

Soon after the accession of Edward the sixth, a committee of divines was appointed to reform the liturgy. They drew up offices for Sundays and holidays, baptism, confirmation, and matrimony, burial of the dead, and other special occasions; forming all these into one book. It was published by the common agreement and full assent of the parliament and convocations. In 1548, it was confirmed by an act of parliament, and declared to have been composed "by the aid of the Holy Ghost." Exceptions, however, were soon made to some passages; these were altered by archbishop Cranmer, with the assistance of Martyn Bucer and Peter Martyr, whom he had invited into England from Germany. Thus revised and altered, the book was confirmed by parliament in 1551. Both acts, however, were repealed in the first year of the reign of queen Mary:

XX. 6.

*The Suppression of Colleges, Hospitals and Chauntries :
general Destruction of their Libraries, and of the sacred
or secular articles of use, or ornament belonging to them.*

MENTION has been made of the suppression of the smaller monasteries by the act of the twenty-seventh of Henry the eighth. Several colleges, hospitals, chauntries, and other religious institutions, within the operation of that act, had been permitted to remain in the hands of their lawful possessors. "The great ones of the court," says Heylin*, "not being willing to lose so rich a booty, their suppression was set on foot again. "The consequence was, that ninety colleges, and "two thousand three hundred and seventy-four free "chapels and chauntries, with their possessions, "were vested in the king, and consumed during "his minority."

The suppression of these houses was the occasion of much individual wretchedness. When the monasteries were dissolved, some provision was made for the subsistence of the ejected religious : "but, as for the chauntry priests," says Dodd†, "the greater part were reduced to the extremities "of want ; as also many of the laity who depended "on them."

* History of the Reformation, p. 50, 51.

† Church History, vol. i. p. 348.

“ On the pretence,” continues the same author, “ of rooting out superstition, visitors were sent about ; and made a spoil of all things that might conduce to support either learning or piety. Upon this occasion was destroyed the famous Angervilian library, first composed by Angerville, bishop of Durham. The two noble libraries of Cobham, bishop of Winchester, and duke Humphry of Gloucester, underwent the same fate. Merton college had almost a cart load of manuscripts carried off.” Every article in these buildings, which served either for use or ornament, was seized. What could not be removed was destroyed or defaced.—Finally, the council gave an order for burning and destroying all the books used in the service of the church. “ Sacrilegious avarice,” says Camden*, “ ravenously invaded church livings, colleges, chauntries, hospitals, and places dedicated to the poor, as things superfluous. Ambition and emulation among the nobility, presumption and disobedience among the common people, grew so extravagant, that England seemed to be in a downright frenzy.”

To raise the palace, which the protector Somerset was building in the Strand, the parish church of St. Mary, three episcopal houses, a chapel, a cloister, and a charnel house in St. Paul's church-yard, with a church of the order of St. John of Jerusalem, were pulled down, and the materials used in the construction of the edifice. Somerset attempted to demolish the church of St. Margaret, Westminster,

* Introduction to the *Annals of Queen Elizabeth*, p. 5.

but the parishioners rose, and drove off the artificers of destruction. From these examples alone, some idea may be formed of the general plunder and devastation.

"This gross and insatiable scramble," says bishop Burnet*, "after the goods and wealth that had been dedicated to good designs, without the applying any part of it to promote the good of the gospel, the instruction of youth, and the relieving the poor, made all people conclude that it was for robbery, and not for reformation, that their zeal made them so active. The irregular and immoral lives of many of the professors of the gospel gave their enemies great advantage to say, that they ran away from confession, penance, fasting, and prayer, only to be under no restraint, and to indulge themselves in a licentious and dissolute course of life. By these things, that were but too visible in some of the most eminent among them, the people were much alienated from them; and, as much as they were formerly against popery, they grew to have kinder thoughts of it, and to look on all the changes that had been made, as designs to enrich some vicious characters, and to let in an inundation of vice and wickedness upon the nation."

* History of the Reformation, vol. iii. p. 210.

XX. 7.

*Four public Disputations in the reign of Edward the sixth,
between Catholic and Protestant Divines.*

It is remarkable that, in the first year of the reign of Edward the sixth, an act* was passed against all such persons, as should irreverently speak against "the sacrament of the body and blood of Christ, and the receiving thereof under both kinds:" and that in the following parliament†, an act was passed for establishing the new communion book, which contained the Zuinglian doctrine against the real presence. At Oxford, Peter Martyr conformed to the common prayer; at Cambridge, Martin Bucer observed upon it a prudent silence.

In the following year, a formal disputation was held upon this important article, at Oxford, between Peter Martyr, on the side of the protestants, and Dr. Tressam, Dr. Chadsey, and Mr. Morgan, on the side of the catholics. Fox repeats the arguments of Martyr with exultation, while he is silent on those of his adversaries: Saunders assigns the victory to the catholic divines‡.

In the same year, a second disputation was held at the same place. "It is to be noted," says Fox, that "at the disputation, Martyr, in his answer, did grant a change of substance of bread and wine;" but in a disputation which was held in the following

* 1 Edw. VI, c. 1.

† 2, Edw. VI, c. 1.

‡ Persons's Review of Three Disputations, c. 1, s. 1.

year at Cambridge, "this, by bishop Ridley, was "denied*."

A third disputation soon followed; it was held in the same year at Cambridge; and although Ridley presided at it, the real presence was asserted by Mr. Perne, the advocate of the protestant cause. "We deny nothing less," he said, "than his "corporal presence or the absence of his substance "in the bread;"—so that the discussion turned altogether on transubstantiation and the sacrifice of the mass†.

A fourth disputation soon followed at Cambridge‡. This also turned on transubstantiation. Perne, who still continued the advocate of the protestants, qualified his assertion of the real presence, in the former conference, by saying, "I grant that "Christ is in the sacrament truly, wholly, and "verily, after a certain property and manner. I "deny not his presence, but his real and corporal "presence." Thus he veered to the doctrine of Calvin on the real presence.

In all the three disputations at Cambridge, Dr. Ridley presided as moderator: a further meeting was convened to hear his determination, and it was numerously attended§. The question of the real presence he left untouched, but decided, in the most explicit terms, against transubstantiation, upon five grounds,—“the authority, majesty, and verity

* Fox, 1255. Persons's Review, c. 1, s. 2.

† Persons's Review, c. 1, s. 3.

‡ Ibid. c. 1, s. 4.

§ Ibid. c. 1. s. 5.

“ of the scriptures, the most certain testimonies of
 “ ancient catholic fathers, the definition of a sacra-
 “ ment, the abomination of the heresy of Eutyches,
 “ that may ensue of transubstantiation,—and the
 “ most sure belief of the article, ‘ he ascended into
 “ heaven.’

“ These,” says Persons *, “ be Maister Ridleye’s
 “ five bulwarks, or castles of defence, builded in
 “ the ayre, which he handleth so fondly and child-
 “ ishely, as after you shall see in the particular
 “ examinations of his arguments. Only heere,
 “ I will say in generall, that the reader shall find
 “ his authority, majestie, and verity of scriptures
 “ against transubstantiation, to be a meere vaunt
 “ and vanity, for he hath no one cleere or substan-
 “ tiall place at all. And as for his certayne tes-
 “ timonyes of the ancient fathers, they will prove
 “ so uncertaine for his purpose, as you shall see
 “ them, most certaynely against him. His third
 “ castle of the definition of a sacrament, will prove
 “ a cottage of no strength at all, for that the true
 “ nature of a sacrament standeth well with transub-
 “ stantiation. His fourth head springe, about the
 “ heresie of Eutyches, will prove a puddle, and
 “ himselfe puzzeled therin, for that the heresie of
 “ Eutyches confoundinge two distinct natures in
 “ Christ, hath no more coherence with transub-
 “ stantiation, then Rochester with Rome. And
 “ finally, his last ground about the article of Christ’s
 “ ascendinge into heaven, hath no ground to rest
 “ on, but is a meere imagination in the ayre, to witt,

* Persons’s Review, c. 1, s. 5.

“ that for so much as Christ ascended into heaven,
 “ *ergo* there is no transubstantiation.”

Bucer did not take a prominent part in any of the Cambridge disputations which have been mentioned ; but another* was convened, at which he presided :—propounding the following conclusions, “ first, that the canonical books of scripture alone “ do sufficiently teach the regenerate all things “ necessarily belonging to salvation : secondly, “ that there is no church on earth that erreth not “ as well in faith as manners : thirdly, that we are “ so justified freely of God, that, before our justifi- “ cation, it is sin, and provoketh God’s wrath “ against us, whatsoever good works we seem to “ do : then,—being justified, we do good works.”

We have no full information, that can be relied upon, of what passed at these disputations :—it should seem from the accounts, which have reached us, that the catholics anxiously but fruitlessly strove to have the question of the real presence settled previously to the discussion of the question of transubstantiation. “ If two demands being propounded,” says father Persons†, —first, whether in such a vessel, “ (where water was known to be before), there be “ wine put in ;—and secondly, whether this wine “ have turned that water into itself or no ; or that “ the water and wine do remain together :—to “ premit the first question, whether wine be “ really and truly there or no ? and cavil only about “ the second, whether the water be turned into

* Fox, 1262, 1263. Persons’s Review, c. i, s. 6.

† Persons’s Review, c. i. s. 5.

“ wine, or remain together with the wine? would
 “ be preposterous and impertinent wrangling, if the
 “ wrangler did deny expressly that there was any
 “ wine in the vessel. And so fareth it in our con-
 “ troversy of the real presence of Christ’s body.
 “ For if the said body be not really and substan-
 “ tially in the sacrament at all, then it is impertinent
 “ to dispute the second question, whether it be
 “ there without bread or with bread.

XX: 8.

*Religious Persecution during the reign of Edward the
 sixth.*

“ THE hardships, which the reformers under-
 “ went in the preceding reign, should,” according
 to Mr. Neale’s just observation, “ have made them
 “ tender of the lives of those, who differed from
 “ the present standard :” but their conduct showed
 a very different feeling.

Complaint being made to the council against the
 anabaptists, a commission was ordered to six of
 the bishops, and to some other divines, to search
 after all anabaptists, heretics, and all contemnners
 of the common prayers, with injunctions, that the
 commissioners should endeavour to reclaim them,
 and, after due penance, give them absolution ;
 but that, if they should continue obstinate, the
 commissioners should excommunicate, imprison,
 and deliver them over to the secular arm. Many
 were brought before the commissioners : some
 abjured the errors imputed to them, and were dis-

missed ; others persisted in their opinions and were burned. Among these, Joan Bocken particularly attracted the commiseration of the public ; she maintained that Christ was not incarnate of the Virgin, not having taken any of her flesh. For this opinion she was sentenced to the flames. The humane prince was so struck with the cruelty of the sentence, that he refused, for a long time, to sign the warrant for her execution. “ Cranmer,” says Hume, “ was employed to persuade him to compliance. He said, that there was great difference between errors in other points of divinity, and those, which were in direct contradiction to the apostolic creed. These latter were impieties against God, which the monarch, being God’s deputy, ought to repress, in like manner as inferior magistrates were bound to punish offences against the king’s person. Edward, overcome by importunity, at last submitted, though with tears in his eyes ; and he told Cranmer, that, if any wrong were done, the guilt should lie entirely on his head. The primate, after making a new effort to reclaim the woman from her errors, and finding her obstinate to all his arguments, at last committed her to the flames.”

CHAP. XXI.

PRINCIPAL ECCLESIASTICAL OCCURRENCES IN
THE REIGN OF QUEEN MARY.

1553.

EDWARD the sixth died on the 6th of July 1553: Dudley earl of Warwick, who had supplanted the duke of Somerset, the protector, in the favour of the young monarch, had induced him, not long before his decease, to exclude the princesses, Mary and Elizabeth, from the succession, and to substitute in their place, lady Jane Grey. The protector had married her to lord Guildford Dudley, his fourth son. She was the daughter of Frances, duchess of Suffolk, and descended, by Charles Brandon, from Mary, the dowager queen of France, and sister to Henry the eighth. She was singularly accomplished, and universally respected and beloved. Henry's testamentary disposition having set aside the Scottish line, lady Jane Grey stood next in succession to the crown, after the princesses Mary and Elizabeth. The duke of Northumberland, her father-in-law, with the concurrence of Cranmer, and of the whole privy council, except the lord chief justice, caused her to be proclaimed queen. She did all that depended upon her to refuse the crown; but, at length, overpowered by her father-in-law and husband, accepted it with

sincere and evident reluctance. Her adherents endeavoured to support her title by arms, but they were soon discomfited, and Mary was proclaimed queen. The duke of Northumberland, and two persons with him, were put to death, while eight others were tried and condemned for high treason. Among these were lady Jane and her husband lord Guilford Dudley. Their execution was more than once put off, and probably would not have taken place, had not the subsequent rebellion of sir Thomas Wyatt caused it to be thought a measure necessary for the tranquillity of the state*.

Mary thus became peaceably possessed of the throne. I. The return of the English nation to communion with the see of Rome: II. The persecution of the protestants for heresy: and III. the condemnation and death of archbishop Cranmer; are the ecclesiastical events in this reign, which seem to require particular notice. IV. Some observations on the general character of Mary, will close this chapter.

* The answer of sir Edward Mountagu, lord chief justice of the Common Pleas, to the charge brought against him, of having drawn the will of Edward the sixth, (Fuller's Church History of Great Britain, book viii. p. 1.) mentions several curious circumstances relating to that transaction.

XXI. 1.

The Return of the English Nation to Communion with the See of Rome.

IMMEDIATELY on her accession to the throne, Mary avowed her attachment to the catholic religion, and very soon made public her intention to restore it. She formally signified this to the pope, and his holiness appointed cardinal Pole his legate to England, and furnished him with the most ample powers for effecting the object of his legation. In August 1554, the marriage between the Queen and Philip was celebrated. On the 28th of the following November, the king and queen, the spiritual and temporal peers, and the commons, assembled in the house of lords. Gardiner, who had been recently restored to the bishopric of Winchester, and advanced to the dignity of chancellor, announced the arrival of the cardinal, with legatine authority. Being introduced with great ceremony into the assembly, the cardinal addressed the members in a conciliating speech. The chancellor replied, expressing his own wishes, and the general wish of the nation, to return to communion with the see of Rome.

On the following day, the king, the queen, and both houses of parliament, being again assembled in the house of peers, the cardinal was ushered into the house, dressed in his legatine robes. The king was placed on the left hand of the queen, and the legate on her right, but at a greater dis-

tance than the king : all three were placed on seats covered with rich tapestry, and under a very costly canopy. The chancellor then addressed the houses of parliament ; recapitulated what he had said the day before, and solemnly asked them, if they desired to return to the unity of the church, and to the obedience due to their chief pastor. The whole assembly assented, by acclamation, to the proposal : the chancellor then presented to their majesties a petition, on behalf of the members of both houses, as the representatives of the whole nation, expressing their sorrow for the schism, and for whatever they had enacted against the see of Rome and the catholic religion, declaring that they now annulled it ; and beseeching those, whom God had preserved from the general guilt, to obtain from the lord legate that he would pardon them, and restore them as true and living members to that body, from which they had been separated by their misdeeds.

The king and queen having perused the petition, returned it to the chancellor ; he read it distinctly and audibly. The whole assembly then rose, and the queen, in the name and behalf of herself and the king, petitioned the legate to grant the pardon and reconciliation sued for. The legate rose from his seat, and every one, except the king and queen, being on their knees, pronounced the general absolution. They then went to the royal chapel, and a solemn *Te Deum* was sung, to express the general sentiment of religious joy, with which all the assembly appeared to be penetrated.

On the following day, a similar ceremony of reconciliation took place in the city of London: afterwards, the clergy assembled in convocation; and, on their knees, received absolution for all the censures, which they had incurred during the late innovations. By the legislative act of 1st and 2d Philip and Mary, c. 8, the work of reconciliation was completed.

With the unanimous consent of the pope and the clergy, and the sanction of parliament, the possessors of the church property were generally quieted in its detention and enjoyment. The queen restored to the ancient possessors, all the church property, which remained in the hands of the crown; and earnestly solicited others to follow her example: her conduct, if admired, was very little imitated*.

* In a valuable manuscript, with the perusal of which the writer has been favoured, it is mentioned that the queen, upon the recommendation of Gardiner, then lord chancellor, resolved to use her utmost endeavours to effect a full restitution of the crown lands. "Hence, at the opening of parliament, which she called to meet on the 21st October 1554, she tried to dispose the two houses to that full restitution. But this motion being generally disliked, it was thought proper to drop the undertaking. However, the queen's piety prompted her to do her own part, and she carried the matter so far as it was practicable. For this purpose, having sent for the house of commons to attend, she told them the same she had said before to her privy councillors: and the parliament was prevailed upon to pass a bill for that purpose, as far as concerned the crown: but there was a proviso for saving the rights of the subjects, who had any interests in those estates granted from the crown. Burnet adds, that

Immediately after the ceremony of reconciliation took place, the queen sent viscount Montague, Thirlby bishop of Ely, and sir Edward Carne, ambassadors to Rome. They reached it on the 23d of May 1555; and, on the 23d of the following June, were admitted to an audience with the pope. They prostrated themselves at the feet of his holiness, represented the sorrow of the nation, for their schism and heresy, and their desire to return into communion with the holy see. The pope received them graciously, expressed a general approbation of the proceedings of the legate, but complained of the detention of the ecclesiastical property, and intimated his right to the ancient render of Peter-pence. "He himself," he said, "had, when he was

"although the bill passed by a majority, yet there were in
 "the house of commons 126 against it, some of whom made
 "very bitter reflections thereupon: which showed mens
 "minds, and the temper of her parliament, were very much
 "altered from that wonderful unanimity, with which they
 "had before gone into all the queen's measures.

"The effects thereof stopped not here: a jealousy was
 "soon spread over the realm, that as matters were then going
 "on, a general resumption of church lands would some time
 "or other be infallibly attempted. Now these estates were
 "already so distributed among the nobility and gentry, of
 "every persuasion, that much the greatest part were deeply
 "concerned therein: wherefore many soon applied them-
 "selves to the princess Elizabeth."

Some care was taken by Mary and the friends of the catholic religion to restore the monastic state in this country, but without much success; some small communities, however, of Benedictines, Carthusians, Bridgettines, and Franciscans, were settled at Westminster, Sheen, Sion-house near Bractford, and Greenwich.

“ young, been employed in collecting it, and even
 “ had been edified by the alacnity with which it
 “ was paid.”

It is observable, that, before Henry the eighth, the kings of England styled themselves only lords of Ireland. That monarch, in the twenty-third year of his reign, assumed the title of king of Ireland, and, two years afterwards, his title was recognized by parliament. This the pope considered an invasion of the right, assumed by the holy see, to be the sovereign and ultimate feudal lord of that kingdom.

To prevent any controversy on this head, Mary accompanied the letter, presented to the pope by the ambassadors, with one, in which she solicited him to confer on her the title of queen of Ireland. With this request, the pope complied*; the bull was dated several days before the presentation of the ambassadors, and thus the difficulty, which might otherwise have arisen, was dexterously eluded.

XXI. 2.

*Four Disputations between Catholic and Protestant Divines
 in the reign of Queen Mary.*

IN our account of the reign of king Edward the sixth, we have noticed six disputations between catholics and protestants, on the subject of religion, that were held in the space of one year. Four similar disputations were held in 1553, soon after

* By a bull, transcribed by Bzovius, ad annum 1555.

the accession of queen Mary. The catholics then held the temple, and these disputations were designed for the express purpose of giving satisfaction to protestants.

The first* took place on the 18th of October in the year we have mentioned, in the convocation house, in St. Paul's church, London, and continued during six days. "The questions, (says Persons), "were the accustomed, about the real presence, "and transubstantiation. The manner of disputing "was not in form, or after any fashion of school, "but rather of proposing doubts, and answering the "same, for satisfaction of them that were not resolved. The prolucutor protested, that the conference was held not to call any points of catholic religion into doubt, but to solve such scruples or doubts, as any man might pretend to have." Philpot, archdeacon of Winchester, took the lead on the protestant side: he denied the real presence in the most explicit terms: "I will speak plain English, quoth he †:—the sacrament of the altar, "which ye reckon to be all one with the mass, is "no sacrament at all, neither is Christ anywise "present in it."

Three other disputations ‡ were held in three successive days, at Oxford, in April 1554, on the three questions of the real presence, transubstantiation, and the sacrifice of the mass. Cranmer,

* Fox, p. 214. Persons's Review of Ten Disputations, s. 7.

† Fox, 1285. Persons's Review, c. 1, s. 7.

‡ Fox, 1299. Persons's Review, c. 1, s. 8.

Ridley, and Latimer attended, and argued at each of them.

The disputants arrived at no certain conclusion, in any of the ten meetings which have been mentioned. The three last were conducted with most order, and the controversy carried on with the greatest fairness;—"Yet," says father Persons*, if Fox relate truly, "the manner of arguing was "not so orderly and school-like as might have "been†."

* Fox, 1299. Persons's Review, c. i. s. 8.

† The conclusions which Persons himself draws from them for his readers, we shall give in his own words.

"If a man would oppose to these ten public disputations
"before recyted, ten learned counsellors of the catholic church,
"that disputed, examined, and condemned this heresie of
"theirs against the real presence, within the space of these
"last six hundred years, since Berengarius first began it, as
"namely, those four named by Lanchfranke, to witt, that of
"Rome, under Leo the ninth; and another of Versells, under
"the same pope; the third at Towars in France, under pope
"Victor, successor to Leo; the fourth at Rome againe, under
"pope Nicholas the second; in all which Berengarius himselfe
"was present, and in the last, not only abjured, but burnt his
"owne booke. And after this, six other counsellors to the same
"effect, the first at Rome, under Gregory the seventh, where
"Berengarius againe abjured, as Waldensis testifieth; the
"second of Lateran in Rome also, under Innocentius the third;
"the general councill of Vienna; the fourth at Rome againe,
"under pope John the twenty-second; the fifth at Constance,
"and the sixth at Trent. All these counsellors, I say, if a man
"consider with indifferency of what variety of learned men they
"consisted, of what singular piety and sanctity of life, of how
"many nations, of what dignity in God's church, how great
"diligence they used to discuss this matter, what prayer, what
"conferringe of scriptures, and other meanes they used, and

XXI. 3.

Persecution of the Protestants for Heresy.

THERE is reason to believe that, when Mary ascended the throne, her dispositions towards those who should continue to differ from her in religious opinions, were just, moderate, and wise. Doctor Heylin admits, that before the end of the second year of her reign she practised no violence. The first volume of Dodd's Church History contains the faculties and instructions, which the pope gave for reconciling the kingdom to the holy see: they are written in the language of moderation, and do not contain a single expression, which suggests measures of constraint. The lenity of cardinal Pole, her majesty's principal adviser, seems to be universally admitted. So much is this the case, that Hume*, in a debate which he supposes to have taken place in Mary's reign, on the subject of

"with how great consent of both Greek and Latyn church
 "conforme to all antiquity, they determined and resolved
 "against the opinion of protestants in our dayes; he will
 "easily discover how much more reason and probability of
 "security there is, of adventuring his soule of the one side
 "than of the other †"

At the end of this chapter father Persons proceeds to an elaborate discussion of the controversiaes, on the three articles of the real presence, transubstantiation and the sacrifice of the mass:—all who desire to be acquainted with the nature and bearings of these discussions in the reign of queen Elizabeth, must be highly gratified by the perusal of this part of his work.

* Chap. xxxvii.

† On the last disputation, see also Collier's Ec. Hist. vol. ii. p. 354.

religious persecution, makes Pole the advocate of toleration.

In 1555, all the bishops, and several of the leading clergy, attended cardinal Pole, to receive his instructions. They were truly pastoral and humane; he bade them treat their flocks with tenderness, and make converts rather by example and instruction than by rigour. The detestable councils, which induced Mary to adopt a system of intolerance, were generally attributed to Gardiner, the bishop of Winchester,—but he soon ceased to take an active part in them. By Rogers, the first of those who suffered for religion in the reign of Mary, the bishop was asked,—“whether he had not preached against “the pope, during the best part of twenty years?” “Yes,” said Gardiner, “but I was forced to it by “cruelty.”—“And will you then,” said Rogers, “use to others that cruelty, of which you now “complain?” Gardiner made no answer. When he first recommended persecution, he thought a few striking examples would cause a general recantation; but, when he found his error, he left the weight of cruelty on the willing shoulders of Bonner. Gardiner died in great sentiments of repentance. “I have sinned,” he said, “with “Peter, but I have not wept with Peter.” Bonner was bishop of London; if his conduct has not been greatly exaggerated, he was a perfect monster of cruelty.

But it must be admitted, that Mary met with many provocations. Northumberland's treasons were quickly followed by Wyat's: for some time, a

person was encouraged to personate king Edward, and to dispute Mary's title : repeated indignities were offered to her religion ;—" her preacher," says Mr. Phillips, in his *Life of Cardinal Pole**, " was shot at; whilst he was preaching in the pulpit of St. Paul's, and her chaplains were mobbed and pelted in the streets. When public prayers were ordered, on a supposition of her pregnancy, a reformed preacher made use of the form, ' that it would please God either to turn her heart from idolatry, or to shorten her days.' A dog's head was shaved, in contempt of the clerical tonsure ; and by an impiety, which," says Mr. Phillips, " I have difficulty to repeat, a wafer was put into a dead cat's paws, in derision of the holy sacrament, and hung up at Cheapside. Pretended revelations, and the forgery of the spirit on the wall, were employed to disturb the government, and discredit mass and confession. These and the like impieties were followed by divers acts of rebellion, of which an attempt to rob the treasury, the insurrection in the north, and the seizure of Scarborough castle, in favour of the French invasion, are instances."

XXI. 4.

Archbishop Cranmer.

THE number of those, who suffered death for heresy, in the reign of queen Mary, has been computed, probably with some exaggeration, at two

* Sect. 10.

hundred and seventy-seven. Of these, none certainly was so distinguished as Dr. Thomas Cranmer, archbishop of Canterbury. That, for some of his actions he is entitled to praise, that, for others, his conduct should be strongly reprobated, every candid person must allow.

His protection of the princess Mary from the fury of her father, his endeavours to save sir Thomas More, bishop Fisher, and Cromwell, his resistance to the passing of the sanguinary enactment of the six articles, and his encouragement of letters and learned men, are entitled to praise. But, when we find, that, though he adopted the Lutheran principles so early as his residence in Germany on the business of the divorce, he yet continued, during the fifteen subsequent years of Henry's reign, in the most public profession of the catholic religion, the article of the supremacy of the pope alone excepted :—that though, when he was consecrated archbishop of Canterbury, he took the customary oath of obedience to the see of Rome, he yet, just before he took it, retired into a private room and protested against it :—and that, though he subscribed and caused his clergy to subscribe the six articles, the third and fourth of which enjoined celibacy to the clergy, and the observance of the vow of chastity, he yet, though a priest, was married, and continued to cohabit with his wife ;—we must pronounce him guilty of dissimulation.—When we find, that, though he knew Anne Boleyn was under no pre-contract of marriage, he yet, to

use bishop Burnet's expression*, extorted from her, standing as she did, on the very verge of eternity, a confession of the existence of such contract;—we must pronounce him guilty of subserviency to his master's cruelties :—when we see how instrumental he was in bringing Lambert, Anne Askew, Jane Bocken, Van Parr, and others, both catholics and anabaptists, to the stake; and particularly, when we read his successful exertions to induce the young prince to sign the sentence for Jane Bocken's condemnation,—we must pronounce him guilty, both of the theory and practice of religious persecution :—when we find, that, previously to Henry's marriage with Anne of Cleves, he declared that the negotiations for her marriage with a prince of the house of Lorraine were not a lawful impediment to her marriage with Henry,—he yet, within six months after it, declared that they had created such an impediment, and solemnized the monarch's adulterous marriage with lady Katharine Howard,—we must pronounce him guilty of sacrilege :—and finally,—when we find, that, notwithstanding the undoubted rights of the princesses Mary and Elizabeth, he yet, on the death of their royal brother, strove to exclude them both from the throne, and to place lady Jane Grey upon it,—we must admit the justice of the verdict, and pronounce him guilty both of ingratitude and high treason.

Still,—the sentence, which, after he had been

* Vol. i. p. 203.

See the account of Burnet's life, &c. in the Appendix.

And Hallam's account of his life, &c.

pardoned for his treason, condemned him to the flames for heresy, was execrable. His firmness under the torture, to which it consigned him, has seldom been surpassed. It presents an imposing example, and we then willingly forget what history records against him. But, when we read in the *Biographia Britannica*, that "he was the glory of the English nation, and the ornament of the reformation," his misdeeds rush on our recollection; we are astonished at the effect of party spirit, and the intrepidity of the biographer.

XXI. 5.

Some Observations on the Character of queen Mary.

HISTORIANS have been unjust to the memory of Mary, by the unqualified harshness with which they mention the reprehensible parts of her conduct, and by concealing, or not holding up sufficiently to light, those parts of it, which were justly entitled to praise.—Hume ascribes to her, obstinacy, bigotry, violence, malignity, revenge, and cruelty; and asserts that, "amid the complication of vices which entered into her composition, we shall scarcely find any virtue but sincerity."—Yet, in the next page, he records the wise laws, by which she suspended the tyrannical impositions on the merchants, and repealed the absurd prohibitions in the making of cloth, by all persons who had not served an apprenticeship of seven years: he also notices her exertions to establish the commercial relations

between this country and Russia, from which her successors derived so much advantage. He might have added her salutary restoration of the humane provisions of the common law respecting the proceedings for treason; her limiting treasons and misprisions of treason to those which were declared to be such by the 25th of Edward the third; her liberal reversals of outlawries, and her humane and generous injunctions, to sir Richard Morgan, when she appointed him judge of the Common Pleas, by which she signified, that, “notwithstanding the
“old error which did not admit any witness to
“speak, or any other matter to be heard, in favour
“of her adversary, in causes in which her majesty
“was a party; her majesty’s pleasure nevertheless was, that whatsoever could be brought in
“favour of the subject, should be admitted to be
“heard; and moreover, that justices should not
“persuade themselves to sit in judgment otherwise for her highness, than for her subjects.”

Fuller* does her greater justice:—“Take queen Mary,” he says, “abstracted from her opinions, and by herself, secluded from her bloody counsellors, and her memory will justly come under commendation. Indeed, she knew not the art of being popular.—She hated to equivocate in her religion, and was what she was, without dissembling her judgment for fear or flattery. Little beloved of her subjects, to whom though once she remitted an entire subsidy, yet it little moved their affections, because, though liberal in this

* Book viii. s. 53.

“ act, she had been unjust in another, —her breach
 “ of promise to the gentry of Norfolk and Suffolk.
 “ However, she had been a worthy princess, had as
 “ little cruelty been done *under* her as was done *by*
 “ her*.”

* Sir William Blackstone also observes, (Comm. book. iv. c. 33,) that many popular and salutary laws in civil matters were made during her administration. No code of law contains a wiser lesson to princes than that expressed in the first act of her reign; —“ Forasmuch as the state of every king, ruler, and governor of any realm, dominion, or commonalty, standeth and consisteth more assured by the love and favour of the subject, toward their sovereign, ruler, and governor, than in the dread and fear of laws, made with rigorous pains and extreme punishment, for not obeying of their sovereign, ruler, and governor: and laws also justly made for the preservation of the commonwealth, without extreme punishment or great penalty, are more often, for the most part, obeyed and kept, than laws and statutes made with great and extreme punishments, and in special, such laws and statutes so made, whereby not only the ignorant and rude unlearned people, but also learned and expert people, minding honesty, are often and many times trapped and snared, yea many times for words only, without either fact or deed done or perpetrated.

“ The queen’s most excellent majesty, calling to remembrance that many, as well honourable and noble persons, as other of good reputation within this her grace’s realm of England, have of late (for words only, without other opinion, fact, or deed) suffered shameful death not accustomed to nobles; her highness therefore, of her accustomed clemency and mercy, minding to avoid and put away the occasion and cause of like chances hereafter to ensue, trusting her loving subjects will, for her clemency to them showed, love, serve, and obey her grace the more heartily and faithfully, than for dread or fear of pains of body, is contented and pleased that the severity of such like extreme dangerous and

CHAP. XXII.

QUEEN ELIZABETH.

1558.

THE commencement of the reformation in England, in the reign of Henry the eighth, its progress during the reign of Edward the sixth, and its interruption in the reign of Mary, have been mentioned : some account will now be given of its completion, in the reign of Elizabeth : we shall therefore attempt to present the reader with a general view of her first measures. Under this head, we shall endeavour to give a succinct account, I. Of her being proclaimed queen of England, and her progress to

“ painful laws, shall be abolished, annulled, and made frustrate
“ and void.”

It adds to the merit of this benign legislative declaration of Mary, that it was made by her after several treasons and treasonable practices against her, had been perpetrated ; and, while it was known that some were carrying on and others meditated.

And, in respect to the executions in her reign for heresy, when it is admitted, that they can neither be denied nor excused, it should not be forgotten that similar guilt is justly imputable to many sovereigns, some of whom enjoy a considerable portion of historic fame.—It should also be recollected, that some, who were executed in her reign for heresy, might have justly been executed for treason ;—other sovereigns, more politically, but certainly not more justly, converted what they deemed heresy into treason, and punished the convict not as a heretic, but as a traitor.

London: II. Of her coronation: III. Of the division of the nation at this time into a catholic and a protestant party: IV. Of the subdivision of the latter into Lutherans: V. Zuinglians: VI. And the successors of these, the Calvinists, or Puritans: VII. Of the preference given by the queen to the protestant party: VIII. Of her notifying to Paul the fourth, her accession to the throne, and the manner in which he received the intelligence: IX. And of the more conciliatory proceedings of Pius the fourth, his immediate successor.

XXII. 1.

The first Measures of queen Elizabeth.

QUEEN Mary was succeeded by her sister Elizabeth, the only child, then living, of Henry the eighth; Ferdinand of Austria, being, at this time, emperor; Henry the second, king of France; Philip the second, king of Spain; and Paul the fourth, filling the Roman see.

At the moment of Mary's decease, both houses of parliament were sitting. Information of the event being brought to the house of lords, they sent a message to the house of commons, requesting their attendance. When the members arrived, the lord chancellor Heath, archbishop of York, announced the event: he observed, that the succession to the crown belonged, of right, to the princess Elizabeth, and that she should be instantly proclaimed queen of England. The proclamation was immediately made by the king at arms.

The news of the decease of Mary reached Elizabeth at Hatfield. On the 29th of November 1558, she proceeded to London, attended, says Heylin, by a great and royal train, and an infinite concourse of people, expressing their feelings by loud acclamations and every other demonstration of joy. She delighted them by the affability of her manner, and the share which she seemed to take in the general sentiment. At Highgate, she was met by all the bishops : from Bonner, as a man of blood, she turned with disgust : the others she received courteously, and permitted them to kiss her hand. At Bishopsgate, she was met by the lord mayor and all the city companies. Thus escorted, she reached the Tower. At her entrance into it, "she rendered," says Heylin, "her most humble thanks to Almighty God, "for the great change in her condition, in bringing "her, from being a prisoner in that place, to be "the princess of her people ; and now, to take "possession of it as a royal palace, in which, before, "she had received so much discomfort." On the decease of Mary, the lords assembled in council had given immediate orders for the stopping of all ports and havens, in order that no intelligence of the event might be carried out of the realm ; but finding so general a concurrence of the people in favour of Elizabeth, they removed the embargo.

XXII. 2.

Her Coronation.

ON the 13th of January 1559, she made her triumphant passage," says Dr. Heylin, "through London, to her palace at Westminster. Having offered a prayer, she mounted in her chariot, with so clear a spirit, as if she had been made for that day's solemnity; entertained, all the way she went, with the joyful shouts and acclamations of God save the queen, which she repaid with such a modest affability, that it drew tears of joy from the eyes of some, with infinite prayers and thanksgivings from the hearts of all.

"But nothing more endeared her to them than the accepting a Bible, neatly gilt, which was let down to her from one of the pageants representing Truth. With both her hands she received the book, which she pressed and laid to her bosom, (as the nearest place unto her heart), giving the greater thanks for that, than for all the rest, which plentifully had that day been bestowed upon her; and promised to be diligent in the reading of it. By which, and many other acts of popular piety, with which she passed away that day, she did not only gain the hearts of them that saw her, but they that saw her did so magnify her most eminent graces, that she found the like affection in the hearts of all others also."

On the following morning, with the like mag-

nificence and splendor, she was attended to the church of St. Peter in Westminster. She was crowned by Dr. Owen Oglethorpe, bishop of Carlisle, according to the form, and took the oath prescribed by the Roman pontifical. The other catholic prelates declined assisting at the ceremony. Three bishops, ordained in the reign of Edward the sixth, and the friends of the reformation, were then alive; but "those bishops," as Dr. Heylin remarks, "were at that time deprived of their sees,—(whether justly or unjustly could not then be questioned),—and therefore not in a capacity to perform that service. Besides there being; at that time, no other form established for a coronation than that, which had much in it of the ceremonies and superstition of the church of Rome, she was not sure that any one of those three bishops would have acted in it without such alteration and omissions, in the whole course of that order, as might have rendered the whole action questionable among capricious men; and therefore, finally, she thought it more conducive to her reputation among foreign princes to be crowned by the hands of a catholic bishop, or one at least that was accounted as such, than if it had been done by any of the other religions." *Life of Elizabeth*, vol. 1, p. 100.

The conduct of the catholic prelates who declined assisting at her coronation, was justified by them on the following grounds: they refused to officiate at the ceremony of her coronation, because they considered it to be certain, either that she

would not take or would not keep the coronation oath, which the kings of England, as all other christian kings, took at their coronation; "to maintain the laws, honours, peace, and privilege of the church", as in the time or grant of Edward the confessor." But they did not make the smallest opposition to her accession: they immediately did homage to her, and acknowledged her title to the crown. At her subsequent measures they sighed, but they sighed in silence: not a single act of a treasonable, seditious, or even a disaffected tendency, was so much as imputed to any of them.

XXII. 3.

Division of the Nation into a Catholic and a Protestant Party.

THE nation was divided, at this time, into a catholic and protestant party. From several circumstances, it is evident that a great majority of the people then inclined to the roman-catholic religion. All the bishops, with the solitary exception of Kitchin of Landaff, opposed the change of religion; the whole convocation, which met at the same time with the queen's first parliament, declared against it, and expressed their unanimous adherence to the ancient creed, by a declaration conformable to it, on the five important articles of the real presence,—transubstantiation, the sacrifice of the mass for the living and the dead, the supremacy of St. Peter and his successors, and the authority

* Strype's *Annals*, vol. i. p. 51.

of the pastors of the church, exclusive of the laity, in matters of faith and discipline. They addressed these articles to the bishops, with a request to lay them before the lords in parliament. Both the universities signed a writing, declaring their concurrence in the same articles. Thus the change was in opposition to the wishes of the body of the clergy.

The laity were divided,—but several facts indicate that a great majority must have been in favour of the catholic religion; the single circumstance of the known general attachment, at this time, of the laity to their pastors, renders this highly probable.

Rishton, a contemporary writer, speaking from his own observation, says*, that “one third of the kingdom was at this time protestant; most of the nobility, the majority of the greater commoners, and the generality of the persons employed in agriculture and husbandry being catholics.”

This conclusion is also favoured by the violence, which the court party found necessary to use, in the ensuing election of members to serve in the house of commons. Five candidates were nominated by the court to each borough, and three to each county; and by the sheriff's authority, the members were chosen from among these candidates; a measure, which appears to discover apprehensions in the court that the general sense of the people was contrary to the reformation. This conclusion is fortified by the complaints, which are found in the protestant writers of these

* De Schismate Angliæ, p. 272.

times, concerning the general dearth of teachers, which was immediately experienced in the universities and the public schools, and of ministers to officiate in the parishes.

XXII. 4.

Subdivision of the Protestants into Lutherans.

It may be generally said, that, with the exception of the belief of the ecclesiastical supremacy of the monarch, the church of England continued catholic during the reign of Henry. The first seeds of the protestant doctrine were sown by Lutheran hands. The emissaries employed by Henry, in obtaining the opinions of foreigners on the lawfulness of his marriage with Katharine of Arragon, became acquainted with Luther and some of his disciples; they returned home with dispositions favourable to his principles, and were either accompanied, on their return, or soon after followed, by some of their ablest advocates. Several attempts were made by the protestant princes of Germany to induce Henry to subscribe the confession of Augsburg, and to place himself at the head of the league, which had been formed for its support. These did not succeed; but they gave occasion to communications between the Lutheran divines and the English advocates of reform. Thus, therefore, during the reign of Henry the eighth, the seeds of the reformation sown in this country were Lutheran*.

* Strype, (Annals Eliz. vol. i. p. 53,) remarks, that "not a few wished the alteration of religion to be settled according to the Augustan confession: whereby a real and substantial

XXII. 5.

Zuinglians.

WHILE Henry lived, archbishop Cranmer, the most powerful advocate of protestantism in this country, outwardly professed, except in the article of the supremacy, the catholic religion ; but in the reign of Edward he veered to the creed of Zuingle ; and the majority of the royal council adopted and led the infant monarch into the adoption of the same principles. We have before observed, that Zuingle differed from Luther in several articles, particularly in considering the sacrament of the eucharist merely as a pious rite, established to commemorate the passion and death of Christ, in abolishing religious ceremonies, and in his total subjection of the priest to the magistrate. In conformity with the two former opinions, the ministers of Edward the sixth expunged from their creed the belief of the corporal presence of Christ in the holy eucharist ; and reduced the ecclesiastical orders of the church to bishops, priests, and deacons. They used the same ceremonial both in the ordination of bishops and priests, omitting in it every ancient rite, except the imposition of hands, and some prayers. They laid aside all the vestments of bishops, priests, and deacons, with the exception of the surplice. They retained the altar, the cross in

²⁴ presence might be acknowledged in the eucharist : crucifixes

²⁵ and images might be retained in the churches : the wafer

“ put into the receiver’s mouth, and such like.”

baptism; the ring in marriage, and the bowing at the name of Jesus. To all that was retained, the disciples of Zuingle seriously objected.

XXII. 6.

Calvinists.

MEANWHILE, several disciples of Calvin had found their way into England: by degrees, they attracted almost all the disciples of Zuingle. It has been mentioned, that, in opposition to Zuingle, Calvin contended for the absolute subserviency of the magistrate to the priest in all ecclesiastical concerns. To the followers of his doctrine it had therefore given great offence, that the acts of parliament of Edward the sixth, for ordaining ministers, establishing the common prayer, and constituting the forty-two articles as the national creed, were imposed by the authority of the temporal power. Still, the influence of the disciples of Calvin is very discernible in all the ecclesiastical regulations, which took place during the reign of that monarch; and from the beginning of it till its close, this influence was always on the increase.

It should be remarked, that those, who embraced the doctrines of Calvin, were known by different appellations: from their master, they were frequently called Calvinists; from their innovations on Luther's system, they were styled the Reformed; from their peculiar tenets respecting the real presence, they were called Sacramentarians: in France, for some unknown reason, they were called Hugonots; in England, their alleged improvements in

the national worship gave them, soon after queen Elizabeth's accession to the throne, the appellation of Puritans, while their objection to episcopacy gave them, in the reign of her successor, the name of Presbyterians.

XXII. 7.

The Queen's preference of the Protestant Party.

SUCH was the division of public opinion on religious concerns, when Elizabeth ascended the throne. For some time, the catholics and protestants waited in a state of anxious uncertainty to discover for which party she would declare. After much deliberation with a council of select advisers, she decided for a protestant establishment, partaking more of the Lutheran than of the Calvinistic economy: but it seems to have been conceived on a conciliating and comprehensive scheme.

A contemporary and well-informed writer asserts, that the queen was, at first, unwilling that the protestant religion should be so soon established by an act of the legislature; and that she was persuaded to it by Cecil, afterwards lord Burghley, and sir Nicholas Bacon, who represented to her that her legitimacy,—(on which her title to the crown depended so materially),—and a national recognition of the pope's authority, could not stand together: this, they said, rendered it essential to the security of the throne, that the papal supremacy should be rejected: but this rejection, they observed, might prove only temporary, as oppor-

tunities of making terms with the pope, and returning into communion with him, must speedily offer*.

A document † preserved both by Burnet and Strype, and evidently under the eye of Camden, when he wrote his Annals, states, with great precision, the principal topics, which presented themselves to the minds of those, to whose consideration this important question was submitted, with the result of their deliberations. It suggests the dangers, which were likely to attend the adoption of the protestant religion, from its foreign adversaries the pope, and the sovereigns of France, Spain, and Scotland, and from its domestic foes, including among these, the Irish.—The pope's hostility, is represented to be certain, and is treated very cavalierly: France and Spain, it was said, might be gained, and powerful diversions made in the territory of each of those monarchs, by assisting his Hugonot subjects. The partisans of the old religion in England might be reduced, by excluding them

* See *Elizabethæ Angliæ reginæ, Hæresim Calvinianam propugnantis, sævissimum in catholicos sui regni edictum, quod in alios quoque reipublicæ christianæ principes contumelias continet indignissimas. Promulgatum Londini, 29 November 1591. Cum responsione ad singula capita: quâ non tantum sævitia et impietas tam iniqui edicti, sed mendacia quoque et fraudes ac imposturæ, deteguntur et confutantur. Per Dominum Andreæ Philopatrum, presbyterum, theologum Romanum, ex Anglis olim oriundum. Augustæ, cum permissione superiorum 1592: in general, shortly cited by the word Philopater.*—In the course of these pages it will be frequently referred to.

† Burnet, *Hist. of Reform.* vol. ii. coll. 527. Strype's *Annals*, App. No. iv. Car. adæanum 1.

from all civil and ecclesiastical situations of trust or emolument, and by severities, similar to those, which Mary had inflicted on the refractory protestants.—The new schemers in church-discipline are then mentioned: these, it is observed, might be quickly suppressed; but it was recommended, that the terms of communion with the new establishment should be rendered as comprehensive as possible, to include in them all lukewarm papists, all moderate sectaries, and all vacillating religionists of every description; so that there might be but one national religion. The whole, it was said, might be managed by a proper mixture of firmness and moderation; and an inoffensive liturgy framed by men of known learning and temper, to whose care, the work was to be consigned by royal authority: in the mean time, things might generally remain on the established footing;—something, however, should be done to lead the public to expect a proper and well-considered reformation, but the ardent spirits of every party were to be checked.

XXII. 8.

Notification of her Succession to Pope Paul the fourth.

ONE of the first measures of Elizabeth was to write to sir Edward Carne, the English ambassador at Rome, to notify to the pope her accession to the throne.

At this time, the Roman see was filled by Paul the fourth. Unblemished purity of morals, and inflexible integrity, cannot, with justice, be denied

to him : "but all these qualities," says Mr. Phillips, in the sketch, which he has given of his character in the Life of Cardinal Pole, "were vitiated by "a fierce and obstinate temper, a haughty and "aspiring disposition, and a mind incapable of "yielding to opposition, and greedy, above measure, of command." He received the queen's overtures with great loftiness : he told sir Edward Carne, that "the kingdom of England was held "in fee of the apostolic see ; that Elizabeth, being "illegitimate, could not succeed ; that he could "not contradict the declarations of Clement the "seventh and Paul the third ; that it was a great "boldness in her to assume the name and government without him ; yet, that being desirous to "show a fatherly affection, if she would renounce "her pretensions, and refer herself wholly to his "free disposition, he would do whatever might be "done with honour to the holy see." This speech was equally unjustifiable and imprudent :—it is evident, that, in the deliberations, which at this time took place, on the important question, whether the catholic or the protestant was to become the religion of England, it was calculated to turn the scale against the former.

XXII. 9.

Conciliatory Proceedings of Pius the fourth.

It may not be improper to mention in this place, that, not long after this wayward event, another

and a better spirit was shown by Pius the fourth, the immediate successor of Paul. In May 1560, he sent Vincentio Parpalia, an ecclesiastic of great merit and conciliating manners, to the queen, with a letter, most earnestly, but respectfully, entreating her to return to the bosom of the church. On this occasion, Parpalia, if we are to credit Camden, was instructed by the pope to offer to the queen, that the pope would annul the sentence of Clement, his predecessor, against her mother's marriage, settle the liturgy by his authority, and grant to the English the use of the sacrament under both kinds. Parpalia reached Bruxelles: from that place, he acquainted the English ministry with the object of his mission, and proceeded to Calais. The propriety of admitting him was debated in the royal council, and determined in the negative.

The conciliating pope was not disheartened: at a subsequent time, he deputed the abbé Martenengo to the queen, to notify to her the sitting of the council of Trent*; and to request she would send an ambassador to it, and permit the prelates of England to attend it. Some objected to the pope, that this was showing too great a condescension towards persons, who had formerly separated from the church. "Nothing," said the worthy pontiff, "is humiliating, to gain souls to "Christ." Both the king of Spain and the duke of Alva, seconded, with great earnestness, the pope's request: but the queen was inflexible:

* See Appendix, Note III.

“ she could not,” she said, “ treat with any power, whose authority the parliament had declared to be unlawful :” she therefore refused to permit the abbé to enter any part of her dominions.

CHAP. XXIII.

LEGISLATIVE ESTABLISHMENT OF THE PROTESTANT CHURCH IN ENGLAND.

THE meeting of parliament was fixed for the 23d day of January 1558 ; but it was prorogued till the 27th. By a proclamation of the 27th of the preceding December, the queen prohibited all public preaching and teaching, but enjoined that the gospel and epistle of the day, the litany, and the ten commandments, should be read aloud in English, at the public service : this, in other respects, was to remain in its actual state.

Soon after the accession of queen Elizabeth *, a meeting took place, by her order, in Westminster church, between some dignitaries of the church of Rome, and some protestant divines of distinction. Sir Nicholas Bacon, the lord keeper, presided as moderator. Three questions were appointed for discussion : “ The first, — whether it were against God’s word, and the custom of the primitive church, to use a tongue, unknown to the people, in common

* Fox’s Acts and Monuments, 1919. Persons’s Review, c. 1, s. 4.

“ prayer, or the administration of the sacraments :
“ The second,—whether every church had autho-
“ rity to appoint, take away and change ceremonies
“ and ecclesiastical rites, so that the same were to
“ edification : Thirdly,—whether it could be proved,
“ by the word of God, that there is offered up, in
“ the mass, a sacrifice propitiating for the living
“ and the dead. These were directed to be dis-
“ cussed in the presence of the queen’s counsel, the
“ nobility and others of the parliament house, for
“ the better satisfaction and enabling of their judg-
“ ment to treat and conclude of such laws, as might
“ depend thereupon.” An altercation immediately
took place between the catholic and protestant
divines, and the assembly broke up, without any
regular argument. An account of it was published
on each side ; the protestants claimed the victory ;
the catholics complained that they had not been
permitted, either to propose any one argument, or
to reason in due place or time.

The first bill hostile to the catholic religion,
which was passed in this parliament, originated in
the lords, on the 30th of January :—it restored first-
fruits, and several other ecclesiastical emoluments,
to the crown ; it passed, with the unanimous assent
of the lords temporal, and the unanimous dissent
of the lords spiritual : an inconsiderable opposition
was made to it in the commons.

A bill then passed, by which her majesty’s title
to the imperial crown of this realm was fully and
unequivocally recognized : it passed through both
houses, without a single dissentient voice. By a

bill, which passed a few days after, with the same unanimity, the queen was restored in blood, and declared to be inheritable to her mother Anne.

The next bill put the great question on the national religion, at issue: it was finally intituled, "An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same."

This bill was a subject of great discussion in each house of parliament: the speeches of Heath, archbishop of York, and of Scott, bishop of Chester, against it, have been preserved*. Viscount Mountague, the same nobleman, who had been sent in the preceding reign to negotiate the reconciliation of England with Rome, "incited," says Camden, "by a sentiment of zeal and honour," represented to the peers, that "it would be disgraceful to England, so lately reconciled to the apostolic see, to make so sudden a revolt from her;" and conjured them, with great importunity, "not to withdraw themselves from her,—to whom the nation was beholden for the christian faith, and the constant defence of it ever since."—His exertions were seconded by the earl of Shrewsbury:—the other temporal lords voted for the bill, all the spiritual lords voted against it. The bill was finally carried by a majority of three voices: the catholics had

* *Strype*, vol. i. App. vi. vii. *Parl. Hist.* vol. iii. p. 379. On the other side of the question, the reader will find an able pamphlet published about this time, in *Strype*, *Annals*, vol. i. App. viii.

particularly relied on an active opposition to it from the duke of Norfolk and the earl of Arundell, whose daughter he had married; but both voted for the bill; and the duke used all his proxies, which were numerous, in its favour. It passed in the commons without a division.

Almost immediately after this act was passed, Elizabeth published a body of "Regulations of the discipline and order of the Church." In one of these she professes to notice the misconstructions of her claims to the spiritual supremacy: she then proceeds to say, "her majesty neither doth nor ever will challenge any other authority than what was challenged, and lately used by the said noble kings of famous memory, king Henry the eighth, and Edward the sixth, which is and was of ancient time, due to the imperial crown of the realm,—that is,—under God, to have the sovereignty and rule over all manner of persons born within these her realms and dominions, so as no power shall or ought to have any superiority over them." In the next parliament this explanation of the oath of supremacy received the sanction of the legislature.—It is generally called "Queen Elizabeth's admonition:" an act, which was passed in the fifth year of her majesty, directed that the oath should be taken and expounded in this sense.

The important act for the establishment of the queen's supremacy was followed by the act, almost equally important, "for the uniformity of common prayer and service in the church and the adminis-

"tration of the sacraments." By this, and a further act, passed in the same sessions, the liturgy and sacraments established in the reign of Edward the sixth, with little variation, were directed to be used and administered in all churches, under certain penalties.

The former act occasioned a greater debate, and the division against it was more numerous, than that on the bill for establishing the queen's supremacy; all the bishops and nine temporal peers dissenting from its passing into a law. The speeches of Dr. Feckenham, the abbot of Westminster, and Dr. Scott, the bishop of Chester, have been preserved by Strype, and inserted in the Parliamentary History*.

An attempt also was made to revive the act passed in the reign of Edward the sixth, for the marriage of the clergy, which had been repealed by the parliament of Mary; "but," says Strype, "Elizabeth could not be brought to countenance the conjugal state of her clergy†."

* Annals, vol. i. App. ix. Parl. Hist. vol. iii. p. 413.

† Throughout her reign, the queen manifested the same dislike to the marriage of clergymen. "In her progress through Essex and Sussex in 1561, she was particularly disconcerted," says Collier (Ecc. Hist. vol. ii. b. vi. p. 472,) "at seeing their wives in cathedrals and colleges. She issued an order, therefore, to forbid all heads and members of colleges or cathedral churches within the realm, having their wives or any other women within the precincts of such places. The penalty was, forfeiting all ecclesiastical promotion belonging to any cathedral or collegiate church where this happened.—Parker was not able to digest this regulation; he was apprehensive the queen had some thoughts of returning popery upon them."

CHAP. XXIV.

PRINCIPAL ECCLESIASTICAL ARRANGEMENTS
IN THE REIGN OF QUEEN ELIZABETH.

IT seems advisable, that, before we proceed to describe the situation of the English catholics under queen Elizabeth, we should shortly mention the principal religious regulations during her reign.

Both the creed and discipline of the church of England were left, at the death of Edward the sixth, in a very unsettled state. Speaking of their state at this time, bishop Latimer, in one of his sermons, said, "It is yet but a mingle-mangle, a hotch-potch, I cannot tell what; partly popery, and partly true religion, mingled together. They say in my country, when they call their hogs to the swine-trough, 'come to the mingle-mangle, come, puz, come!' Even so do they make a mingle-mangle of the gospel."

I. By the book of Common Prayer: II. and of the thirty-nine articles: with the aid, III. of the act of uniformity: IV. and of the statutes against recusancy, the ecclesiastical reformation of England was completed: V. The subject leads to some mention of the translations of the Bible during the reign of Elizabeth: VI. and to some observations on the nature and extent of the spiritual supremacy conferred on her by the acts, which have been mentioned.

XXIV. 1.

The Book of Common Prayer.

THE two revisals of the liturgy, and the confirmation of the latter, by two acts of parliament in the reign of Edward the sixth, have been mentioned. Both acts were repealed in the first year of the reign of queen Mary. The second revisal, but with some alterations, was adopted by queen Elizabeth, and received the sanction of the legislature.

Though it be anticipating the order of events, it may be proper to notice in this place, that alterations were made in it in the first year of James the first, in consequence of some things, which had been said of it, at the conference at Hampton Court: under the commonwealth, it was banished from the churches: immediately after the restoration, it was solemnly reviewed; some alterations in it were made, and, with these, it was brought to its present state: in December 1661, it was unanimously approved by the houses of convocation of both provinces: in the following March, an act of parliament was passed for its legal establishment. It is there styled "The Book of Common Prayer."

XXIV. 2.

The Thirty-nine Articles.

IN January 1562, both the parliament and the convocation of the province of Canterbury were

convened. It appears, that the draft of the thirty-nine articles was presented to the convocation by archbishop Parker, and that the convocation approved them unanimously. All the registers of the convocation having been burned at the memorable fire at London, our information of its proceedings upon the articles must be derived from other sources, and these unfortunately are very imperfect.

We find that the convocation first met at the Chapter-house, at St. Paul's, on the 12th day of January, and held thirty-six several sittings, sometimes at the Chapter-house, and sometimes, by continuation, at king Henry the seventh's chapel at Westminster. Archbishop Parker presided, and was the great mover of all the proceedings. The members began by taking into consideration the articles of Edward the sixth: from forty-two they reduced them to thirty-nine, but making alterations in some, which were retained. With these alterations, the convocation adopted them unanimously; and thus, they had all the authority that the convocation of Canterbury could confer on them.

In 1566, a bill was brought into parliament to confirm them: it passed the commons, but was dropped in the house of lords, by the queen's particular command. In the year 1571, the convocation revised the articles of 1562, and made some alterations in them. In the same year, an act was passed, "to provide that the ministers of the church should be of sound religion." It enacted, that, "all ecclesiastical persons should subscribe

“ to all the articles of religion, which only concerned the confession of the true faith, and of the sacraments, comprised in a book imprinted, intituled, ‘ Articles, whereupon it was agreed by the archbishops and bishops, and the whole clergy in convocation, holden at London, in the year of our Lord 1562, according to the computation of the church of England, for the avoiding of the diversities of opinions, and for the establishing of consent touching true religion, put forth by the queen’s authority.’ ” All the acts of parliament made subsequently to this time, which mention the articles, refer to this act, as settling the articles, and the rule of subscription to them.

For some reason, which does not now appear, they were confirmed in 1584, by the convocation of Canterbury. In 1628, an edition of them, in the English language, was published by the royal authority. To this edition, a declaration of king Charles the first is prefixed : it is the exemplar of all the subsequent editions*.

XXIV. 3.

The Act of Uniformity.

THIS act has already been summarily mentioned : it was levelled, at least, as much against the puritans, as the roman-catholics. Elizabeth loved the pomp

* A fuller account of the thirty-nine articles is given by the writer in his *History of Confessions of Faith*, c. xi. “ on the symbolic books of the church of England ; ” it gives a summary statement of the controversy on the authentic edition of the articles.

and ceremonial of the catholic church, and the spirit of subordination inculcated by its tenets and discipline. In her chapel, there was an altar, a crucifix, and lighted tapers; copes and rich garments were, at first, used by the officiating ministers, and the knights of the garter bowed before the altar, a ceremony which had been disused by her brother Edward. Something of a conciliatory disposition towards the catholics was shown, by her expunging from the litany the clause introduced into it in the reign of her brother,—“From the “tyranny of the bishop of Rome, and all his detestable enormities, good Lord deliver us;”—and by omitting in the thirty-nine articles, the long refutation of the doctrine of the real presence, introduced into the forty-two articles; and by adopting the general expression, that “the body of Christ is “given and received in a spiritual manner, and the “means, by which it is received, is faith.”

The independent spirit of the puritans,—a spirit which had long strongly manifested itself in ecclesiastical, and now began to show itself in political, concerns,—both disgusted and alarmed Elizabeth; she perceived that their dislike to any ecclesiastical restraint was accompanied by strong sentiments of political liberty. One object of the statute of uniformity certainly was, to guard the church and state against these religionists. It is not, however, a little remarkable, that, while she thought her civil and ecclesiastical government stood in need of so strong a defence against the puritans, her confidential ministers, Cecil, Leicester, and Walsingham,

and her favourite Essex, were known to be closely connected with them.

The act of uniformity* enjoined all ministers to use the book of common prayer, and none other, in the celebration of divine service; and that every minister refusing to use it, or using any other, or speaking in derogation of the common prayer, should, if not beneficed, for the first offence be imprisoned one year, for the second, be imprisoned for life; and if beneficed, for the first offence, be imprisoned six months, and forfeit a year's value of his benefice; for the second, be deprived and suffer one year's imprisonment; and for the third, be imprisoned for life; and that, if any person should speak in derogation of the book, or prevent the reading of it, or cause any other service to be read in its stead, he should forfeit, for the first offence, one hundred marks; for the second, four hundred, and for the third, all his goods and chattels, and suffer imprisonment for life†.

* 1 Eliz. c. 2.

† Sir William Blackstone, (book iv. c. 4.) mentions the terror of these laws, as a principal means, under Providence, of preserving the purity as well as the decency of the national worship, and he approves their continuance. These observations produced, "Remarks on some Paragraphs in the fourth volume of Dr. Blackstone's Commentaries on the Laws of England, relating to the Dissenters, by Joseph Priestley, LL. D. F. R. S. 8vo. 1769." These remarks sir William Blackstone answered, by "A Reply to Dr. Priestley's Remarks on the fourth volume of the Commentaries on the Laws of England, 8vo. 1769."

XXIV. 4.

The Statutes of Recusancy.

THE object of these statutes, was to compel a regular attendance, at the service of the church. For this purpose, the act of the 1st Eliz. c. 1, subjected those, who absented themselves from church, to a forfeiture of one shilling to the poor, for every Lord's day, in which they should so absent themselves; and of twenty pounds to the king, if they continued such absence for a month together: if they kept in their houses any inmate guilty of such absence, they were to forfeit ten pounds for every such month. The penalties were rigorously required: every fourth Sunday of absence was held to complete the month; and thus, thirteen months were, in relation to these penalties, supposed to occur in every year. The amount of the money thus raised from the catholics was very great. It was chiefly levied on the poorer sort: the rich purchasing from Elizabeth dispensations from attendance on the protestant service. Mr. Andrews* computes the annual amount of the money thus received by Elizabeth for dispensations, at 20,000*l*.

Those, who thus absented themselves from the protestant church, obtained the appellation of recusants. Till the statute of the 35th Eliz. c. 2, protestants and catholics were equally considered,

* History of Great Britain, from the death of Henry the eighth to the accession of James the sixth, of Scotland, vol. ii. p. 35

and called recusants, and equally subject to the penalties of recusancy; this was the first penal statute made against popish recusants, by that name, and as distinguished from other recusants*. That statute gave rise to the distinction between protestant and popish recusants; the former were subject to such statutes of recusancy as preceded that of the 35th of queen Elizabeth, and to some statutes against recusancy, which were made subsequently to that time; but they were relieved from them all by the act of toleration in the first year of king William's reign. From the 35th Eliz. c. 2, arose also the distinction between papists,—persons professing the popish religion,—popish-recusants,—and popish-recusants-convict. Notwithstanding the frequent mention in the statute book, of papists, and persons professing the popish religion, neither the statutes themselves, nor the cases adjudged upon them, present a clear notion of the acts or circumstances, which, in the eye of the law, constituted a *papist*, or a *person professing the popish religion*. When a person of that description absented himself from church, he filled the legal description of a *popish-recusant*; when he was convicted, in a court of law, of absenting himself from church, he was termed in the law a *popish-recusant-convict*. To this must be added the constructive recusancy, which, in a future page of this work, is mentioned to be incurred by a refusal to take the oath of supremacy.

* See the articles annexed to the commission for recusants, Strype's Ann. iv. p. 301.

XXIV. 5.

The new Translations of the Bible.

IN preceding parts of this work, mention has been made of the English translations of the Bible in the reigns of Henry the eighth and Edward the sixth; mention will now be made of the translations of it during the reign of queen Elizabeth: these are, 1. The Geneva Bible; 2. The Bishops Bible; 3. The Rheimish Testament.

1. It is remarkable, that, notwithstanding the persecuting spirit, with which the reign of queen Mary is justly charged, Cranmer's Bible was, throughout her reign, permitted to remain on sale.

It has been mentioned, that, to avoid the rigours of her persecution, several, both of the clergy and the laity, left their native country and settled at Geneva, and in its neighbourhood. Some employed themselves in making an English version, completely new, of the sacred writings. In 1557, they printed, in a small duodecimo volume, "The Newe Testament of our Lord Jesus Christ, conferred diligently with the Greke and best approved translations. With the arguments, as well before the chapters, as for every booke and epistle; also diversities and readings, and most profitable annotations of all hard places. Whereunto is added a copious table. Printed by Conrad Badius, M.D.LVII." It is printed in a small but beautiful character, and is the first New Testament in the English language, with the distinction of verses, by numeral figures.

They proceeded to translate the Old Testament. Queen Mary dying in 1558, most of the exiles returned to England ; but some, at least, of the persons employed in the translation, remained at Geneva, and completed the work. Father Simon explicitly accuses it of being only an English version of a French translation made at Geneva some years before. It was published in 1560, in quarto, and is generally called the Geneva Bible.

2. It was soon popular in England ; but Cranmer's version becoming scarce, a new version was resolved upon. The task was allotted to many ; the celebrated Matthew Parker, then archbishop of Canterbury, superintended and regulated their labours. Every section, when completed, was communicated to the whole body, and each person was at liberty to offer his remarks. Few works of such magnitude and importance have been executed in so short a space of time : it was completed in two years. In 1568, the impression was finished, and the work exposed to sale : it is printed in one volume large folio, on royal paper, in a beautiful English letter, and embellished with several engravings and maps. A copy of it is in the public library at Cambridge. It is sometimes called Parker's Bible, but is generally known by the appellation of the Bishops Bible.

Still, the advocates of the Genevan opinions asserted the superiority of the Genevan version, and called the Bishops Bible a corrupt Bible.—Each version was more than once reprinted.

3. An English version of the New Testament was

printed in 1582, in one volume, quarto, by the clergy of the English catholic college, first established at Douay, but then removed to Rheims. Their translation of the Old Testament was published at Douay, (to which town the college had then returned), in two volumes quarto, in the years 1609 and 1610.

The Rheimish version of the New Testament, but with some variation both in the text and notes, was reprinted at Douay in 1600. It was reprinted at Antwerp, in 8vo. in 1610. In this edition, the text stands by itself; the notes are printed together at the end. The version of the New Testament has been often reprinted. In 1738, it was beautifully printed in London, in one volume folio, and in the title-page is called the fifth edition.

A version of the New Testament, with annotations, was published in 1719, at Paris, by Dr. Nary, in one volume 8vo; another, in two volumes, by Dr. Witham, at Douay, in 1730.

In 1750, an edition both of the Old and New Testament, with much alteration in the text, and much more in the notes, was published from the Rheimish version, by the late Dr. Challoner, in five volumes 8vo. In various forms, this has been often reprinted.—Above twenty re-impressions of this version of the New Testament have come to the knowledge of the writer*.

* These repeated editions prove the exaggeration in the charge brought against catholics, of denying to the laity the perusal of the Bible in a vulgar tongue. See the writer's Essay on the subject, at the end of his History of Confessions of Faith.

XXIV. 6.

*An Inquiry into the Nature and Extent of the Spiritual
Supremacy conferred on Queen Elizabeth.*

ON the sense of the oath of supremacy, both catholics and protestants have differed among themselves : the difference is of great importance ; we shall endeavour to give a short notion of it to our readers. When the reformation took place, an alliance had long subsisted in England, and every other country in Europe, between the church and the state. In consequence of it, the state had conferred upon the church the power of enforcing several of her spiritual injunctions, by those acts of temporal power, which the civil courts of the king possess for enforcing their sentences. This was done, either by authorizing the ministers of the church to issue process from the civil courts, in aid of their spiritual injunctions ; or by erecting courts entirely appropriated to the spiritual concerns of the church, and investing them with the temporal process of the civil courts. The objects, on which such courts exercised their jurisdiction, gave them the appellation of spiritual courts ; but the process, by which they carried it into execution, was temporal. To this extent, therefore, they were temporal, or civil courts of the king ; and so far as respected their right to this process, the king was the supreme head of their jurisdiction.

From these circumstances, it has been sometimes contended that the pre-eminence, spiritual autho-

city, and spiritual jurisdiction, mentioned in the acts which conferred the supremacy upon Elizabeth, ought to be understood to denote, only that pre-eminence, supremacy, and jurisdiction, which the clergy, or their courts, receive from the state; and that the clauses in the acts, which deny the supremacy of the pope, were intended only to deny his right to that temporal power, which the state, in consequence of its alliance with the church, had conferred upon him.

Those, who contend for this construction of the oath, cite what is termed the Admonition of queen Elizabeth, which we have transcribed in a preceding page.

In unison with its exposition of the regal supremacy, the 37th of the thirty-nine articles is expressed in the following terms:—"The king's
"majesty hath the chief power in the realm of
"England, and other his dominions; unto whom
"the chief government of all estates in this realm,
"whether they be ecclesiastical or civil, in all cases
"doth appertain; and is not, nor ought to be, sub-
"ject to any foreign jurisdiction. When we attri-
"bute to the king's majesty the chief government,—
"by which titles, we understand the minds of some
"slandrous folks to be offended,—we give not to
"our princes the ministering either of God's word
"or of the sacraments,—the which thing the in-
"junctions also lately set forth by Elizabeth, our
"queen, do most plainly testify,—but, that only
"prerogative which we see to have been given
"always, to all godly princes in holy scriptures by

“ God himself; that is, that they should govern all
 “ estates and degrees committed to their charge by
 “ God, whether they be ecclesiastical or temporal;
 “ and restrain with the civil sword the stubborn and
 “ evil doers.

“ The bishop of Rome hath no jurisdiction in
 “ this realm of England.”

The same description of the nature and extent of the spiritual supremacy of the crown was repeatedly given by king James. This we shall mention in a future page.

As a further testimony in favour of this construction of the oath, its advocates cite passages from the works of many personages of great distinction in the protestant church. Nothing, they say, can be more explicit than the language of Dr. Bramhall, archbishop of Armagh, in the reign of Charles the first, in the work intituled, “ Schism guarded.” “ Neither Henry the eighth, nor any of his legislators,” says this eminent prelate, “ did ever endeavour to deprive the bishop of Rome of the power of the keys, or any part thereof; either the key of order, or the key of jurisdiction—I mean jurisdiction purely spiritual, which hath place only in the inner court of conscience, as over such persons as submit willingly,—nor did ever challenge, or assume to themselves any jurisdiction purely spiritual. All, which they deprived the pope of; all, which they assumed to themselves, was the external regimen of the church by co-active power, to be exercised by persons capable of his respective branches of it. And

“ therefore, when we meet with these words, or
 “ the like, (*that no foreign prelate shall exercise*
 “ *any manner of power, jurisdiction, &c. eccle-*
 “ *siastical within this realm*),—it is not to be
 “ understood of internal, or purely spiritual power
 “ in the court of conscience, or the power of the
 “ keys,—(we see the contrary practised every day),
 “ but of external and co-active power in ecclesiasti-
 “ cal causes, in *foro contentioso*.—Our kings leave
 “ the power of the keys, and jurisdiction purely
 “ spiritual, to those to whom Christ has left it.—
 “ Our ancestors cast out external ecclesiastical co-
 “ active jurisdiction; the same do we. They did
 “ not take from the pope the power of the keys, or
 “ jurisdiction purely spiritual,—neither do we.”
 Citations of passages to the like effect from other
 protestant writers, might, it is said, be easily mul-
 tiplied.

In further support of this construction, its advo-
 cates notice the conduct of the clergy in the reigns
 of Henry the eighth and Edward the sixth, as well
 as the conduct of many of the clergy during the
 first part of the reign of queen Elizabeth, who, they
 say, did not refuse similar oaths, when these were
 pressed upon them.

They intimate, that objections to the oath pre-
 scribed by the parliament of Elizabeth, were first
 made by the priests, who came to England from the
 foreign seminaries. In those schools, they say, the
 ultramontane doctrines on papal power were taught
 in their utmost extent. In conformity with these,
 the members of those communities believed the

pope to be entitled, at least indirectly, to temporal power by divine right, and must therefore object to every oath which denied the right of the pope to the exercise of temporal power in the administration of spiritual concerns, or the right of the church to enforce the sentences of the church by temporal process.

These, the writer apprehends, are the principal arguments by which it is contended, that catholics might conscientiously take the oath of supremacy prescribed by the parliament of queen Elizabeth, and similar oaths prescribed by subsequent parliaments. His own impression on the subject is as follows :

Were it quite clear, that the interpretation contended for is the true interpretation of the oath, and quite clear also, that the oath was and is thus universally interpreted by the nation,—then, the author conceives, that there might be strong ground to contend, that it was consistent with catholic principles to take either the oath of supremacy which was prescribed by Elizabeth, or that, which is used at present.

He also thinks it highly probable, that, if a legislative interpretation could *now* be obtained, the interpretation suggested would be adopted*.—But,

* See lord Grenville's exposition of the nature of the spiritual supremacy of the kings of England, in his speech, on moving the petition of the Irish roman-catholics, in 1810: an extract of which will be given in the fourth volume of this work. The preamble also to the act passed in 1793, for the relief of the Scottish catholics, is important. It will be inserted, at length, in the same volume. It states explicitly, that, "the rigour of the act which prescribed the oath of supremacy to

that the oaths of supremacy were thus understood by the bulk of the nation, when they were first promulgated,—this, the writer considers, at best, extremely doubtful. He cannot reconcile such construction of them, either with that, which the monarchs and their parliaments themselves repeatedly put on them, by their conduct, or with the powers which the legislature has very frequently attributed to them. Hume*, says expressly, that Elizabeth always pretended that, in “quality of supreme head of the church, she was fully empowered by her prerogative to decide all questions which might arise with regard to doctrine, discipline, or worship; and would never allow her parliaments so much as to take these points into consideration.” This appears to the writer to afford a conclusive argument for supposing, that, when the acts conferring the supremacy on the crown were passed, they were not generally understood in the sense contended for by those, who deem it lawful for catholics to take them.

“the Scottish catholics, was chiefly judged expedient in order to preserve the government against the attempts or efforts of those persons, who then did, or were supposed to acknowledge the temporal superiority or power of the pope or see of Rome, over that part of the realm of Great Britain called Scotland.”—In the debate on the catholic question, in the last session of parliament, an account of which will also be inserted in the same volume of this work, several important observations were made, both on the general question of the king’s spiritual supremacy, and on the construction of the several oaths, in which it is asserted. They have confirmed the author in the opinion, which he has intimated in this chapter.

* Chap. xl.

The subject is ably discussed by Mr. Neale, in his *History of the Puritans**. His arguments, to show that the acts in question were intended to confer on the monarchs some powers merely spiritual, and belonging of right to the church, appear to the writer to be incontrovertible.

That the acts are at this time so understood, both by the general body of catholics, and by the general body of protestants, the writer considers quite undeniable.

“ These things,” (to use the language of sir John Winter, in his *Observations on the Oath of Supremacy*, in which he contended, in the reign of Charles the second, with great force of argument for the construction of it in the sense suggested by its advocates,)—“ These things have made it to
“ be firmly believed by the catholics, and those of
“ their profession over all christendom, that in tak-
“ ing the said oath, with what explanation soever,—
“ (*if such explanation be not publicly made known*
“ *and declared*), they give just scandal, (which is
“ *malum in se*,)—that they renounce their religion
“ as indeed the common acceptation of the words
“ of the oath do import no less.”

* Chap. iv.

CHAP. XXV.

EFFECT OF THE LEGAL ESTABLISHMENT OF THE
PROTESTANT RELIGION ON THOSE WHO AD-
HERED TO THE CATHOLIC CHURCH.

THUS, "the revolution which has been men-
"tioned in church affairs," to use the language of
the writers of the Parliamentary History*, "took
"place in a very surprising manner; and popes,
"with cardinals, were banished this realm. On the
"rising of the parliament, the new liturgy in the
"vulgar tongue, which by their authority had been
"established, was introduced into all churches and
"chapels of the kingdom: images were once more
"taken down and removed out of them, with as
"little disturbance as possible; and some of the
"clergy themselves underwent the same fate; for
"the oath of supremacy being tendered to them,
"such as refused were deprived of their bishoprics,
"livings, and all other ecclesiastical preferments:
"but the numbers of the conscientious clergy
"were but small, in comparison of the whole body.
"In England, there were then computed nine
"thousand four hundred ecclesiastical prefer-
"ments; of those, there went off no more than
"eighty parish priests, fifty prebendaries, fifteen
"heads of colleges, twelve archdeacons, as many
"deans, six abbots and abbesses, and fourteen

* Vol. iii. p. 436.

“ bishops ; which last number, except the bishop of Landaff, were all that then were living. In this, the heads of the clergy showed much more conscience than the tail of them. Other bishops, &c. were elected and substituted in the places of the deprived ; and these alterations in religion were done with so little noise and bustle in England, as was, says Camden, to the astonishment of the whole christian world.”

To the list of ecclesiastics who are said, in the foregoing extract, to have been deprived of their livings, in consequence of their non-conformity, the names of about fifty deprived prebendaries, and thirty-seven fellows of colleges, mentioned by Dodd *, may be added. But there is the strongest reason to suppose, that the number of non-conformists was considerably greater than that mentioned in the extract which we have inserted from the Parliamentary History. Seventeen fellows only of New College are noticed in the lists of the non-conformists which have reached us : but Wood informs us, that their whole number amounted

* Church Hist. vol. ii. p. 319. So lately as 1563, the speaker of the house of commons complained, that many of the schools and benefices “ were seized, the education of youth disappointed, and the succours for knowledge cut off. For I dare aver,” said he, “ that the schools in England are fewer than formerly by one hundred ; and those, which remain, are many of them but slenderly stocked ; and this is one reason, the number of learned men is so remarkably diminished. The universities are decayed, and great market towns without either school or preacher.” Coll. Ecc. Hist. vol. ii. p. 480.

to twenty-three; and he says, of the university of Oxford at large, that "after the catholics had left it, upon the alteration of religion, it was so empty, that there was very seldom a sermon preached in it in the university church;—the university," he adds, "seemed to be destroyed*."

At the accession of queen Elizabeth, there were in England, including the Isle of Man, twenty-seven episcopal sees; ten of these were vacant; all the prelates, who filled the remaining sees, except Kitchen, of Landaff, whom Camden calls "the calamity of his see," on account of his dismemberment of its possessions, refused the oath of supremacy, and were displaced and imprisoned; but the imprisonment was gently managed, and the greater part of them were left prisoners at large.

Some were permitted to cross the seas, and died abroad. In consequence of some real or alleged imprudence, Watson of Lincoln was placed in strict confinement at Wisbeach castle; he appears to have been the only prelate, against whom government proceeded with severity.

We have seen, in a preceding page, that the number of ecclesiastics was computed at nine thousand four hundred. Most of the regulars who disobeyed the new regulations, fled to the convents of their several orders on the continent,—their natural asylums: two religious establishments only preserved the continuity of their respective com-

* See a short chronological account of the religious establishments by English catholics on the continent, by the abbé Mann, *Archæologia*, vol. xiii. p. 251.—And see Appendix, Note IV.

munities : the Carthusian monks, founded by king Henry the fifth, in 1416, retired successively to Bruges, Louvaine, and Mechlin, and finally to Nieuport in Flanders, where they continued till their suppression in 1793. The Bridgettine nuns, founded at Sion, in Middlesex, settled, after some wanderings, in Lisbon : a few ancient nuns, now residing in community at Somers-town, in the neighbourhood of London, still keep up the establishment of the monastery, once venerable, at Sion.

The fate of the secular clergy varied. We have seen, that the far greater number of them conformed to the new religion : those, who remained, were called " the old priests," and " queen Mary's " priests." Many of these retired to the continent, particularly to the Low Countries. All were received hospitably, several were admitted into public or official situations, and some obtained considerable preferment. The greater number, however, remained in England. Of these, some obtained sinecures, in which conformity was generally dispensed with ; others remained in privacy, unknown, or at least unheeded.

But several, supported by the courageous munificence of catholic individuals among the nobility and gentry, who adhered to the ancient faith, actively discharged the duties of their character, for the benefit of their afflicted countrymen. Of these, some were to be found in London and other great towns, sheltered, by the largeness of the population, from particular notice : but the greater number resided with their patrons, and administered

to them, their tenants, and their neighbours, the rites of religion and the benefits of instruction, in the midst of hardship and danger. In a manuscript, with the perusal of which the writer has been favoured, the number of these valuable men is computed at one thousand. To them and their excellent protectors, the preservation of the catholic religion in this country, against the first shock of the reformation, was altogether owing.

Not long after the passing of the act which has been mentioned, the emperor of Germany, and some other catholic princes, addressed the queen in behalf of the catholics, and particularly suggested to her the reasonableness of allowing, to that portion of her subjects, one church in every town. The queen refused the request; but professed general kindness towards "those on whose behalf she was solicited:" she intimated an intention of "endeavouring to cure their refractory spirit," as she termed it, "by connivance," and observed, that "England had not embraced any strange or new-fangled faith, but had established the very same. which Christ had commanded, the primitive catholic church received, and the oldest of the fathers jointly approved*.

In the fifth year of her reign, a law was passed, by which it was enacted, that persons maintaining the pope's authority within this realm, should incur the "penalties of præmunire;" that all "ecclesiastical persons, graduates and fellows of the university, and all officers belonging to courts of

* Bartoli, *Istoria*, lib. i. c. 9.

“judicature, should take the oath of supremacy, under the penalty of præmunire, for the first offence, and death for the second : persons who had said or heard mass, were obliged to take the same oath, or suffer as above.” It has been said that this act was occasioned by the indiscreet zeal of some catholics in the north.

CHAP. XXVI.

COLLEGES FOUNDED ABROAD BY THE SECULAR CLERGY OF THE ENGLISH CATHOLICS :—CARDINAL ALLEN*.

BY degrees, the number of the respectable clergymen, who preserved, in the manner which has been mentioned, the remnant of the catholic religion in this kingdom, was considerably diminished by death: age and infirmity disabled others for the exertions necessary to an effective discharge of missionary duty; and no means appeared of supplying their places: thus, a total extinction of the ancient faith

* His name is spelt *Alan* by most, if not all, the Latin writers, who have mentioned him, and by several English writers: hence this mode of spelling his name was adopted in the first and second editions of these Memoirs: but most English authors have called him *Allen*, and the present writer has now ascertained that the doctor thus spelt his own name.

Father *Persons* has been generally called *Parsons* by English writers, but the former is, unquestionably, his right appellation.

of this kingdom was generally expected both by its friends and its enemies.

Under those circumstances, Mr. William Allen conceived the memorable project of perpetuating the catholic ministry in England, by a regular succession of priests, to be educated in colleges on the continent, and thence sent on the English mission. Allen was descended from an ancient family in Lancashire: in 1547, he entered Oriel college in Oxford; and, in 1556, was chosen principal of St. Mary's Hall, in the same university. On the death of queen Mary, he retired to Louvaine, and formed an intimate friendship with Dr. Stapleton and Dr. Harding, which subsisted through their lives: after spending some time in Louvaine, he returned to his native country.

He first distinguished himself by the part which he took in a controversy on the lawfulness of catholics attending the divine service in protestant churches to avoid the penalties of recusancy. On this question a great difference of opinion then prevailed among the English catholic divines. "It was pretended," says Dodd*, "by some of the ancient priests, that occasional conformity had been practised by the most zealous catholics during the reign of Edward the sixth; that it was not a thing *per se malum*; that, as the common prayer contained no positive heterodoxy, there was no divine prohibition of being one of the audience; that recusancy would involve the catholics in many difficulties; that it would entirely

* Church History, vol. ii. p. 44.

“ruin the cause, and expose them to the loss of
 “goods and liberty ; that, according to the opinion
 “of many learned divines, human laws might be
 “complied with or neglected in such circumstances.
 “These objections,” continues Dodd, “were an-
 “swered by Allen with due respect to the persons,
 “by whom they were urged. He told them the
 “case was misrepresented as to Edward the sixth’s
 “reign; when the better sort of catholics all stood
 “off, following the example of queen Mary, while
 “she was princess, who, neither by threats nor by
 “promises, could be prevailed upon to be present
 “at the reformers’ public worship.—As to the
 “merits of the cause, he plainly stated his opinion,
 “that occasional conformity in religion was the
 “worst sort of religious hypocrisy ; that the scrip-
 “tures were very explicit in condemning any sort
 “of religious commerce with schismatics or heretics;
 “that there was manifest danger of many being
 “seduced by the subtile arguments and misrepre-
 “sentations, with which protestant pulpits abound-
 “ed ; that such a behaviour was never heard of
 “in the primitive ages, nor practised in any age
 “since ; that the common prayer was not so inno-
 “cent as they seemed to make it, nor the opinion
 “of any learned divine so complaisant to human
 “laws, as to have regard to worldly convenience,
 “at the expense of God’s law : lastly, he acquainted
 “them, that the fathers at the council of Trent*
 “had been consulted upon the case ; and that a
 “select number, having examined it, had sent over

* See Appendix, Note III.

“ a declaration concerning the practice of the regulars*.”

Some catholics were displeased with the zeal, which Allen showed on this occasion : some protestants also took offence at it, and threatened to put the penal laws into execution against him : this induced him to return to Oxford. There, he observed that several, who discharged public functions in the university, and some, who were qualifying themselves for them, or were engaged in a general course of academic study, were internally convinced of the truth of the old religion, and only waited for a proper opportunity to declare themselves openly in its favour. These reflections made great impression upon him : he went to Flanders, thence travelled to Rome, and returned again to Flanders ; but the project was always in his mind, and the subject of many of his conversations. On his return to Flanders, he settled at Mechlin in Brabant :

* The opinion of these divines is transcribed in More's “ *Historia Provinciæ Anglicanæ Soc. Jesu*,”—and an extract of it is given by Dodd, in his *Church History*, vol. ii. p. 292. The opinion is dated in 1562, and the date of it shows, that the dispute subsisted before the arrival of the missionary priests in England ; the period assigned by some writers for its commencement. But the opinion obtained from Trent did not determine the dispute ; some of the old priests still continuing to advocate the lawfulness of the practice. Father Persons published two treatises against it, one intituled “ *Reasons why Catholics refuse to go to Church*. Douay, 8vo. 1580 ;” the other, “ *De Sacris alienis non adeundis : ad usum praximque Angliæ breviter explicatæ*. Audomari, 12mo. 1607.” The late bishop Hay published an elaborate treatise against the practice.

there, he was ordained priest, and read lectures on divinity at the splendid college, which the Benedictine monks possessed in that city.

Having now maturely digested his plan, he determined to put it into execution. Mr. Morgan Philips, who had been provost of Oriel, and the tutor of Allen, while he was a student in that college, purchased a convenient house for the projected establishment. Allen and several clergymen contributed towards its foundation; a further aid was obtained from England; the three rich neighbouring Benedictine abbies of St. Vedastus, Marchiennes, and Anchiennes, advanced considerable sums of money towards it; the university of Douay in a body, and several other communities, did the same, and great collections were made for it from individuals in Douay and the neighbouring towns. In making these collections, Dr. Vondeville, then professor of the civil and canon law at Douay, afterwards bishop of Arras, a particular friend of Allen, was eminently serviceable. Through his interest the degree of doctor in divinity and a professorship of that science in the university of Douay were conferred on Allen, and a canonicate in the wealthy cathedral church of Cambray obtained for him. The revenues of all his preferments were always devoted by Dr. Allen towards the relief of his necessitous countrymen, and particularly to the support of the new establishment. It was opened in 1568; several of the doctor's ancient friends in Oxford and other parts of England, and several clergymen, whom the change of religion had driven

from it into foreign parts, resorted to him. This soon enabled him to send some missionaries into England; the account, which they gave of the establishment, and the fruits of it which appeared in the activity and success of their missionary labours, operated so much in its favour, that a petition was signed by the catholic nobility and gentry of England, and afterwards by the university of Douay, and by several religious communities,—(among whom the fathers of the Society of Jesus were particularly distinguished)—recommending the infant college to the liberality of the holy see. The memorial was accordingly presented to pope Gregory the thirteenth, and received by him so favourably, that he immediately settled on the college an annual pension of 2,100 Roman crowns; and soon afterwards raised it to 2,500: it was ever punctually paid.

The first persons, who placed themselves under Dr. Allen, were Mr. Richard Bristow, Mr. Edward Risdon, Mr. John Marshall, Mr. John Wells, Mr. Collyer, and Mr. Rayensham: they were soon followed by others. Many of them had taken the degree of doctor in divinity: among these, Dr. Stapleton, one of the most learned theologians of the sixteenth century, deserves particular mention. In a few years, the inmates of the college, including professors and students, amounted to one hundred and fifty.

These prosperous beginnings were soon interrupted. The populace of Douay, instigated by the Gueux or Huguenots of that and some adjacent

towns, assembled in a tumultuous manner and demanded the expulsion of the collegians. The magistrates judged it advisable to yield, and ordered Dr. Allen and his associates to quit the town; but avowed their reluctance to issue these orders, signed a strong testimonial in favour of the exiles, and permitted Dr. Allen to leave behind him a few of the body to continue the legal possession of the property. This event took place in 1576. The exiles, on the invitation of the cardinal de Lorraine, and other illustrious persons of the house of Guise, repaired to Rheims and were hospitably received: they were entertained in that city, till 1593, when they were recalled by the magistrates to Douay. It is observable, that the princes of the house of Guise continued their kindness to the exiles after they quitted Rheims: Mary queen of Scots, in the midst of her own severe distress, often made them experience her bounty.

Even while they were at Rheims, their numbers increased, and rendered a new establishment necessary. Mention has been made, in a former part of this work, of the hospital at Rome for English pilgrims, and of the munificence of king Ina and king Offa to this establishment. Several respectable persons, whom the reformation of Henry the eighth drove from England, found refuge, and were hospitably entertained in it, at the expense of the holy see. The wardenship of it had been given to sir Edward Kerne, agent at Rome for king Henry the eighth, in the business of the divorce: it was afterwards committed to Dr. Thomas Godwell, bishop

of St. Asaph, who had quitted England, upon the accession of queen Elizabeth. Some other priests and some lay gentlemen also found a refuge in it, and, under the presidency of Dr. Godwell, formed a community, living in great privacy, and dedicating their time to religious exercises. Upon the application of Dr. Allen, and in consequence of the particular exertions of Dr. Lewis, then archdeacon of Cambray, afterwards bishop of Cassano, pope Gregory the thirteenth converted the establishment into a college for the education of English youth; and Dr. Maurice Clenoch, bishop elect in the reign of queen Mary, was appointed its president: the first scholars were furnished from Rheims.

Such were the exertions of Dr. Allen for the preservation of the catholic religion in England. Dr. Ely, a witness of them, mentions, that during the five years immediately preceding the year 1580; Dr. Allen sent one hundred priests upon the English mission, and that during the five succeeding years he sent a greater number*. The "fruits of their labours," says Dodd†, "quickly appeared by the learned books, which the Douay clergy published, and by the zeal of the missionaries, in their ministerial functions; forty, in one month, laid down their lives in the cause."

On a future occasion, we shall be under a necessity of mentioning the conduct of Dr. Allen in some events of great public importance;—here, we shall succinctly lead our biographical notice of him, to

* Brief Notes upon a brief Apology, p. 26; 58.

† Church Hist. vol. ii. p. 49.

its close.—The establishment at Rome proved to him a subject of great mortification : great dissensions soon prevailed in it; to compose them, he took a journey to Rome, and succeeded in his views, as far as the temper of the parties would bear. At the end of a year, he returned to Flanders ; but he was recalled by the pope to Rome, and confidentially consulted by him on many important occasions. Le Long mentions him among the learned persons employed on the Sixtine edition of the Vulgate. In 1587, the dignity of cardinal was conferred on him, with the title of Sancti Martini in Montibus, and cardinal protector of the catholics in England. In 1589, he was advanced to the archiepiscopal see of Mechlin : other benefices were conferred on him, so that he enjoyed an ample revenue ; but it sunk under his beneficence. He was the common father of the English catholic exiles, and always ready to show courtesy, or render service to every English traveller : lord Clarendon, in the History of his Life, mentions, in terms of gratitude, the services which his father received from the cardinal. He was uniformly loved and venerated : on one occasion, pope Gregory the thirteenth presented him to the sacred college, addressing the cardinals in these words, “ venite, fratres mei, ostendam vobis magnum Alanum.” He died in 1594, aged about sixty-four years. His gravity, modesty, piety, discernment, disinterestedness, and conciliating spirit, his parsimony to himself, and liberality to others, were allowed by all his contemporaries. He was the author of several works ; some will be

mentioned in the following pages. They are distinguished by a natural flow of easy, dignified, and affecting eloquence, by lucid order, and elegant unambitious diction. That the preservation of the catholic religion in England was primarily owing to him, is unquestionable; the ancient regular clergy had vanished, and before the twenty-first year of Elizabeth, no missionary jesuit was seen in England*.

* A good life of cardinal Allen would be an important acquisition to the history of England during the reign of queen Elizabeth; but the loss both of the manuscript and printed documents, which existed nowhere but in the establishments of the English catholics on the continent, and which perished in the French revolution, would probably render the execution of such a work very difficult. Still, we are in possession of some valuable biographical accounts of the cardinal. His Life, by the rev. Thomas Fitzherbert, and that in the Pinoteca of Nicus Erythraeus, otherwise Rossi, shortly mention the principal circumstances of his life: both these works are very rare, but both are in the library of the British Museum. Dodd's account of the cardinal,—(Church Hist. vol. ii. p. 44.)—is written with method, perspicuity, and candour. A more copious and interesting history of him is inserted in the Biographia Britannica; an abridgement of it has lately made its appearance in the Biographical Dictionary of Mr. Chalmers. Frequent mention is made of him in the "Istoria della Compagnia de Giesu, l'Inghilterra, parte de l'Europa, descritta del P. Daniello Bartoli, della Medesima Compagnia, fol. Roma, 1657."—"Henrici Mori Historia Provincie Anglicanae Societatis Jesu,"—and father Juvenci's "Historia Societatis Jesu, pars quinta, tomus posterior, fol. Romæ, 1690,"—contain many interesting particulars of the cardinal. He is also mentioned with respect by Fuller in his Church History: and a short notice of his life is given by Anthony Wood, in his *Athens Oxonienses*.

CHAP. XXVII.

THE ENGLISH JESUITS.—FATHER PERSONS.

IT is universally known, that the society of Jesus was founded by St. Ignatius of Loyola, in Biscay, a descendant of a noble family in that province. Having unreservedly dedicated himself to God, and spent many years in prayer and penance, he conceived the noble project of establishing a religious order, or a perpetual succession of men, devoted to religion, who should be constantly and actively engaged in promoting the glory of God, and the spiritual welfare of their neighbour; some, in the education of youth in piety and learning; some, in the general instruction of the faithful; some, in defending the catholic faith against error; and some, in propagating the faith of Christ among infidel nations.

In 1540, this institution, under the name of the Society of Jesus, was solemnly approved by a bull of pope Paul the third: more than forty other bulls confirmed it, and extended the privileges of the order: and it was most honourably mentioned by the council of Trent. In 1537, when St. Ignatius presented himself and his companions to the pope, their number did not exceed ten; at the expiration of the first century of the order, it reached 10,000; and in 1710, when father Juvençi published his History of the society, it contained 37 provinces,

and one vice-provinciate; 24 professed houses, 612 colleges, 59 houses of probation; 340 residences; 150 other different communities; 200 missions; and 19,998 members,—of whom, 9,947 were priests. Their history * is connected with that

* There is not a greater desideratum in literature than a history of the society of Jesus for general readers: but to do justice to it, the writer should possess no ordinary power. It would require extensive learning, wide, minute, and persevering research, a mind thoroughly imbued with true religion and true philosophy, and unbiassed by partiality or prejudice. The infancy of the society is pleasingly described, but not without some exuberance of admiration, in the “*Imago primi seculi Societatis Jesus*, fol. Antwerpiz, 1640.” The successive Histories of the order by father *Orlandini*, published at Rome in 1615, and at Antwerp in 1620; by *Sacchin*., published in four volumes folio, the first at Antwerp, in 1620; the second at Rome, in 1640; the third at Rome, in 1652; and the fourth, (partly executed by father *Possin*), at Rome, in 1661; and the History of *father Juvenci*, published at Rome, in 1710, form a complete collection: but, to perfect it, an English reader should possess the Histories of *More* and *Bartoli*, which we have already noticed. Among the hostile histories of the society, the “*Historia Jesuitica* of *Ludovicus Lucius*, Basil, 1624,” is the best executed. All the Loyolan writers, whom we have mentioned, enter into details too minute for the generality of readers: an abridgment, in which the most important facts should be brought forward, and the others either wholly omitted, or very slightly passed over, might be compressed into three quarto volumes of a moderate size, and would present one of the most pleasing and instructive works that have issued from the press. *Juvenci*, and (to an English reader,) *More* and *Bartoli*, are by far the most interesting parts of the collection, which has been mentioned. The two last are surprisingly rare; a very extensive and minute search made by the writer, could not discover a single copy of *More*, either in the London or any

of every European nation, and is intimately blended with that of the English catholics. An attempt will be made in this chapter to present the reader, I. With a succinct mention of the different classes of the members, who formed the society of Jesus : II. A summary notice of the constitutions of the society : III. And a general view of the missionary labours of father Robert Persons, the founder of the English mission of the society, and of many of its establishments on the continent.

foreign market, and the only copy in any library, which has come to his knowledge, is in that of Sion college ; the loan of it to him he takes this opportunity of gratefully acknowledging. The style both of More and Juvenci is singularly perspicuous and elegant. An ultramontane tone of a few passages in the latter, attracted the notice of the parliament of Paris, and occasioned some proceedings and publications hostile to the society. (See the "*Recueil des Pièces touchant l'Histoire de la Compagnie de Jésus, publié par le père Juvenci, 1715, 1716.*")—Several curious facts respecting the publication of Juvenci's History, and some interesting circumstances connected in some measure with it, may be found in the thirteenth volume of the works of the chancellor D'Aguesseau. They show the conflict between the cisalpine and transalpine opinions on papal power, so late as the reign of Lewis the fourteenth, and the great difficulty by which, even at that period, the former obtained the ascendant. Some acquaintance with all the works mentioned in this annotation, has convinced the writer that, in what the warmest admirers of the jesuits have said in their praise, there is much truth, and that, in what their most moderate adversaries have laid to their charge, there is much exaggeration : how any one, who professes himself a friend to civil or religious liberty, can recommend or wish for the interference of the temporal power in their concerns, passes the writer's comprehension.

XXVII. 1.

A succinct mention of the different Classes of the Members who formed the Society of Jesus.

To use the language of its constitutions*, the society of Jesus, taken in the most extensive sense of these words, comprised *all*, who lived under obedience to the general : in a less extensive sense, it comprised *the professed members, the formed coadjutors, and the approved scholars*. In a more proper sense, it comprised only *the professed members, and the formed coadjutors* : in its most abstract sense, it was confined to *the professed members*. The numbers of each of these classes were capable of receiving from the general, the spiritual graces of which the holy see made him the depositary.

The lowest class was that of *probationers*, or postulants for admittance into the order, and received for trial. For these, there was a house of probation : they remained in it from twelve to twenty days. By frequent examinations of them during this time, a general knowledge of their circumstances, their dispositions, and their aptitude for the order, was obtained ; but frequently the postulants had passed through all, or the greater part of the schools of humanity, in houses of the jesuits : where this happened, their dispositions were so well known, as to render unnecessary any further probation.

* Cons. part 5.

After the postulant had finally signified his resolution to enter into the society, and had been approved, the first gate of the sacred precinct was opened to him, and he became a *novice*: but the admission into this class was far from being indiscriminate: legitimacy and decent parentage were usually required; probable services to the society, high birth, uncommon talents, were a recommendation; and a turn for learning, or the management of business, was desired; but habits of piety, regularity, and obedience were indispensable conditions.

Thus admitted, the whole time of the novice was dedicated to prayer, meditation, the practice of penance and self mortification, and the exercise of spiritual and corporal works of mercy. The novitiate generally lasted two years. At the end of it, the novice usually made his first vows.

The vows of every religious order oblige the persons who make them to *obedience* or perfect submission to the will of their superior, in all things, not inconsistent with the law of God, or the rules of the order: to *poverty*, or an absolute inability of inheriting or acquiring property, except for the benefit of the order*; to *chastity*, or the renunciation of marriage; and to *stability*, or perpetual residence in the houses of the order, unless the

* In all catholic countries the inheritance and acquisition of property by professed religious, was either modified or absolutely prohibited by the civil law of the state.—Where it was prohibited, (which was the case in England before the reformation,) the religious person, in respect to property, was considered to be civilly dead.

superior dispense with it. A vow is said to be *simple*, when it is made in privacy and without any solemnities ; it is said to be *solemn*, when it is made with solemn ceremonies. In the society of Jesus, the novices pronounced their vows aloud in the church, during mass, at the feet of a priest, who held the sacrament in his hands, and in the presence of some persons of the house : he addressed his vows to God.

After the close of the novitiate, it remained for the general to decide to which of the three other classes the novice should belong : while the novice remained in this uncertain situation, he was called an *indeterminate jesuit*.

The class immediately above the novice, was that of *the approved scholars*. From these, no other than the first vow was required.

It was supposed, that the novices had acquired a familiar knowledge of the Latin and Greek languages, previously to their entrance into the novitiate. At the end of it, literature was resumed, and the approved scholars went through a course of philosophy and divinity ; the former generally lasted two years ; the latter three. Between the novices and the approved scholars there was a small difference in the covering of the head. If the approved scholar had not made his vows during his novitiate, he made them during the term of his scholarship : they too were simple vows, and addressed to God.

No description of persons, either secular or regular, more zealously or successfully promoted the studies of their scholars, than the jesuits. They

found it necessary to use the curb, much oftener than the spur. It was a standing rule of the order, that, after an application to study for two hours, the mind of the student should be unbent by some relaxation, however trifling. When father Petavius was employed in his *Dogmata Theologica*, a work of the most profound and extensive erudition,—(which has extorted praise even from Mr. Gibbon),—the great relaxation of the learned father, was, at the end of every second hour, to twirl his chair for five minutes.

Next above the class of the approved scholars, was the class of *the coadjutors*. But most frequently a second novitiate, which lasted for the term of one year, intervened between the class of scholars and that of coadjutors. During that year,—(as also during their first novitiate),—the whole time of the novice was dedicated to prayer and spiritual exercises; except, that to keep the powers of the memory in activity, they learned every day some lines by heart.

The *coadjutors* were divided into the spiritual and temporal: the latter answered to the lay brothers of other religious institutions. To the spiritual coadjutors belonged the great functions of the order, hearing confessions, preaching, and instruction.

The highest class in the society was *its professed members*. They took the same vow as the coadjutors; and promised, in addition, “a special obedience to the pope, in what related to missions.” The number of the professed members was small,

as the constitutions prescribed, that persons only of the most tried and approved virtue, should be admitted into this class. The choice of the general resided exclusively with them. The constitutions of the society excluded all its members from the dignities of the church; the professed members bound themselves by a solemn vow, never to solicit, (and to inform the general of any member who should solicit) ecclesiastical preferment. In some instances, however,—(but these were very rare),—the dignities of the church were forced on some members of the body by the pope.

From the time of taking their simple vows, the members were bound to the order, and therefore could not leave it without the permission of the general; but, until their solemn profession, the order was not bound to them, the general therefore might dismiss them against their will from the society.

It was understood, that, till the jesuit took his solemn vows, though he had interdicted to himself the right of disposing of his property, he did not abdicate his right of succession, acquisition, or legal ownership; still, he held them under the control of his superiors. With the exception of France, every catholic state sanctioned this arrangement: but in France, the members of the society were deprived of their civil right of inheriting, acquiring, or transmitting property, from the time of making their simple vows.

The *general* held his office for life, and his power was absolute: but he had five *assistants*; one, for

the concerns of Italy ; one, for those of Germany, including the concerns of England ; one, for those of Spain ; one, for those of France ; and one, for those of Portugal. Through the assistants the superiors and inferiors usually addressed the general ; but, in extraordinary circumstances, immediate intercourse might be had by them to the general himself.

XXVII. 2.

Constitutions of the Society of Jesus.

“ THE perfect form of the government of the “ society of Jesus,” says Mr. Alban Butler, in his *Life of St. Ignatius*, “ the wisdom, the unction, the “ zeal, and the consummate knowledge of men, “ which appeared throughout the constitutions of “ the society, will be a perpetual and manifest “ monument of the admirable penetration, judgment, and piety of St. Ignatius. He wrote his “ constitutions in Spanish ; but they were translated into Latin by his secretary, father John “ Polancus.” In framing them, St. Ignatius contemplated, that the members of the order should, at the same time, sanctify themselves and be actively employed in sanctifying their neighbours. “ For “ this purpose,” says father Bouhours, his best biographer, “ he set before his eyes, the two different forms of active and contemplative life : the “ former of which, after the model of Martha, is “ wholly employed in the service of our neighbour ; “ and the other, after that of Mary, is wholly

“ absorbed in the repose of contemplation. He easily
“ discerned, that the functions of these two states,
“ taken separately, and in their whole extent, did
“ not agree with his design : and that he ought to
“ choose from both, that which was best, and to
“ mingle them so equally, that they should help,
“ and not obstruct one another : for, in the con-
“ clusion, however little may be the resemblance
“ between Martha and Mary, they still are sisters,
“ not enemies. He took, therefore, from contem-
“ plative life, mental prayer, the examinations of
“ conscience, the reading of the holy scriptures, the
“ frequentation of the sacraments, spiritual retire-
“ ment, the exercises of the presence of God, and
“ other similar practices of devotion. He took,
“ from active life, all that might contribute to save
“ and bring to perfection the souls of our neighbour;
“ preaching, catechising, missions, as well amongst
“ the faithful as amongst infidels ; visiting hospitals,
“ the direction of consciences, and the instruction
“ of youth. But this last, he more particularly
“ regarded : for, in the general corruption which
“ then reigned, he thought he could reform the
“ world by no better means, than infusing the love
“ of virtue into children before they had contracted
“ evil habits. He hoped that those young plants,
“ growing up with christian impressions, would
“ make innocence flourish in all states and con-
“ ditions in civil life.”

The institute of the society of Jesus is comprised
in four works written and published by St. Ignatius.
1st. A Form, for the examination of those who seek

admittance into the Society; 2d. Its Constitutions; 3d. The Rules to be observed by its public functionaries; and 4th. Explanatory Declarations. To these should be added, *the bulls of popes*, establishing and confirming the order;—*the decrees* of subsequent congregations, and *the regulations* of subsequent generals; (among which, those of Lainez and Aquaviva are particularly respected by the order); and some other documents of authority. All of them were collected and published by the jesuits themselves at Antwerp, in nine duodecimo volumes, in 1635. Those, which were written by St. Ignatius, were published at Rome in 1558 and 1559; a separate and beautiful edition of the Constitutions was published at Prague in 1757, in 2 vols. folio.

The most interesting of the smaller tracts is the *Ratio atque Institutio studiorum Societatis Jesu*;—the *Editio originalis incastrata*, published in 1586, in 8vo. in collegio Societatis Romæ, is a typographical curiosity, and was once sought by book collectors on the continent with marvellous avidity. For many years, the only copy of it which was known to exist, was in the library of a Dominican convent at Toulouse, in which it was most religiously preserved under lock and key and the seal of the order: three other copies of the edition have been since discovered.

The following circumstance gave rise to it; a view of the contentions produced by discordant opinions, even on questions of indifference, induced Aquaviva, then the general of the society, to assemble a committee of the order, composed of a Spanish, a

Portuguese, a French, an Austrian, a German of the north, and a Roman jesuit,—to define certain general rules for fixing the choice of opinions, when they disagreed. The committee compiled this celebrated tract:—it contained an admission, but in very guarded terms, that something like a difference from the opinions of St. Thomas of Aquin might occasionally be allowed. At this, the Dominicans, feeling for the honour of their order, of which St. Thomas was a splendid ornament, and a little instigated by the Spanish jesuits, who felt for the honour of their country, which had given birth to St. Thomas, took alarm, and denounced the work to the inquisition. Upon this, the copies were called in; and a new edition, in which the offensive passages were softened, was published in 1591; but even this edition is rare*.

To the generality of readers, father Juvenç's *Ratio discendi atque docendi*, 1 vol. 8vo. will appear a much more interesting and useful work: persons engaged in the study of polite literature, or employed in teaching it, will derive the greatest pleasure and advantage from the perusal of this essay;—it is written with great taste, learning, and judgment.

* See Simon's *Bibliothèque Critique, ou Recueil de diverses pièces critiques*, publié par M. de Sainjore, vol. i. c. iv. p. 37.

XXVII. 3.

Father Persons.

FATHER Persons, the founder of the English mission of the society of Jesus, was, to use his own words, "born in the parish of Stowey in Somersetshire, in the year 1546; one year before king Henry died; to which parish, there came soon after, out of Devonshire, to be vicar there, John Hayward, a virtuous good priest, that had been a canon regular before, and this man lived there for thirty years together, until after father Persons's departure out of England; who, having been his master in the Latin tongue, and liking his forwardness in learning, did ever afterwards bear a special affection towards him. His parents were right honest people, and of the most substantial of their degree among their neighbours, while they lived; and his father was reconciled to the church, by Mr. Bryant the martyr; and his mother, a grave and virtuous matron, living divers years, and dying in flight out of her country for her conscience*."

About the year 1523, Persons was admitted into Baliol college in Oxford; in 1568, he was received bachelor of arts, and soon after, obtained a fellowship; in 1574, he was appointed bursar for fourteen years; but soon afterwards, resigned that charge

* A Manifestation of the great folly and bad spirit of certayne in England calling themselves Secular Priests, 4to. 1602.

and took his leave of Oxford. He travelled to Rome; and, in June 1575, was admitted into the society of Jesus. He became one of the chief penitentiaries in Rome.—His learning, particularly in all that related to the religious or civil history of his country, or the religious or civil history of the times, his mental energy, his activity, his perseverance, and his dexterity in the management both of the greatest and smallest concerns; it is impossible to deny. Bold in his schemes, and fertile in his expedients; equally powerful in attack, and skilful in defence, no difficulty disheartened, no danger alarmed, no resistance wearied him. His talents were often compared with those of cardinal Allen; but these extraordinary men were rather equal than alike, the gentle wisdom of the cardinal always charmed and frequently subdued his adversaries; the impetuosity and address of Persons none but the most powerful opponents could withstand. This difference in their character is alike discoverable in their writings. The compositions of the former are admirable for their tender simplicity and mild unassuming dignity: those of the latter, for their strength, vehemence, and adroitness.

The contentions in the English college at Rome have been noticed; they appear to have originated from a partiality, which Mr. Maurice Clenock, the president, a gentleman of Welch extraction, was supposed to show to the Cambro-British members of the community. Founded or unfounded, the notion gave great offence, and the malcontents made

an application, first to the cardinal protector, and afterwards to the pope, praying that the president might be removed, and the college placed under the care of the fathers of the society of Jesus. The cardinal declared in favour of the president; the jesuits declined the office; and, to support the propriety of their refusal, cited a decree of their second congregation, which directed that, "as the conduct of such establishments would necessarily employ the whole time of some of their ablest men, whose labours the society could not afford to spare, they should avoid the charge of seminaries, whenever it was in their power." The disturbances continuing, thirty-three of the party quitted the seminary, offering, at the same time, to return to it, and to demean themselves according to rule, if they should be placed under the government of the society. This was represented to the pope, by Godwell, the bishop of St. Asaph, and by sir Richard Shelley, the grand prior of the English knights of Jerusalem. His holiness, in virtue of his supreme authority, commanded the jesuits to accept the presidency: they obeyed; and an Italian jesuit was accordingly appointed to the office, with the approbation of Allen, and of several other distinguished catholics. But, in 1584, a fresh scene of contention arose: Claudius Aquaviva, then the general of the society, was so disgusted with it, that he came to the resolution of resigning the college into the hands of the pope. But Dr. Stapleton, (the most honourable name, after Dr. Allen's, among the catholic secular clergy of that time,) Dr. Barrett,

the president of the college at Rheims, father Derbyshire, prior of the English Carthusians, sir Francis Englefield, and other English exiles of eminence, remonstrated against this measure, and finally extorted from the general a reluctant consent, that the college should remain under the government of the jesuits. A letter, which Dr. Stapleton addressed on this subject to the cardinal protector, was subscribed by twenty-one doctors and priests of the English secular clergy, and by eighty English gentlemen, then exiled abroad for their religion. The arduous task of pacifying the troubles of the college was delegated to father Persons: by a mixture of moderation and firmness, he succeeded, but with difficulty, in composing them.

His activity and talents were afterwards employed in founding other establishments on the continent, both for bringing up priests for the English mission, and for the general education of the catholic youth of England. The principal of these were the colleges of Madrid, Valladolid, and Seville. Those at Madrid and Seville did not prosper; but the college of Valladolid was completed in 1589, and furnished by Dr. Allen, on three different occasions, with professors and students from the English colleges at Douay and Rheims. The three colleges, which we have mentioned, were under the direction of jesuit presidents, and furnished the society with novices, who were afterwards admitted into it, and served in the English mission.

The writer, in his researches respecting these

colleges, has discovered no ground for supposing that the jesuits were blameable, in the transactions respecting the Roman college when it was taken from the secular clergy and placed in their hands: but the good policy of this measure, and of placing jesuits at the head of the secular colleges at Madrid, Seville and Valladolid, appears to him very doubtful. For, though there be no just reason to impute to the jesuits unfair dealings with the scholars, the inevitable tendency of such an arrangement was to draw the most promising youths educated in them into the society, and to leave only the refuse to the secular clergy. A similar objection might be made to the general admission of persons into the society, after they had taken orders, as, in all these cases, the expense of the clergyman's education fell on the secular clergy, the fruit, the honour, and the service to be derived from his acquirements, accrued to the jesuits. The Roman see was made sensible of the objections to these late professions: pope Urban the eighth, in 1625, issued a decree which provided that the alumni of the English colleges should not be admitted into any religious order, society, or congregation; and that if they were so admitted, their vows should be null: this prohibition was repeated, and confirmed in 1660, by a brief of Alexander the eighth*.

* Dodd, vol. iii. p. 377. In the Appendix we shall transcribe, from the *British Archæologia*, (vol. xiii. p. 251,) abbé Mann's brief chronological account of all the religious establishments made by the British and Irish catholics on the continent of Europe.—See Appendix, Note IV.

In 1594, father Persons founded the celebrated college of St. Omers, the principal establishment of the English jesuits on the continent, and in 1605, a house at Louvaine, for their novices, which, in 1611, was transferred to Watten, a town in the vicinity of St. Omers. In 1616, Mr. George Talbot, afterwards earl of Shrewsbury, founded for the jesuits a college at Liege, and obtained for it a considerable annual pension from the duke of Bavaria. Grammar, poetry, and rhetoric were taught in the college at St. Omers; philosophy, and divinity at Liege. In 1620, the jesuits established their professed house at Ghent; it was particularly destined for the infirm and aged, and for such as were otherwise disabled from active duty in the society. At first, the jesuits sent on the English mission were governed by a superior, styled a prefect: this office was held successively by the fathers Persons, Weston, Garnet, Holtby, and Walpole. In 1619, they were erected into a vice-province, in conjunction with the Belgic society; in 1623, they were raised to a province: the terms in which the general conferred this distinction on them, are highly honourable to them.

In 1606, Aquaviva formed a code of regulations for the government of the jesuits on the English mission, and their foreign establishments.

The whole body of the English jesuits was to be subject to a prefect, who was to be called, the prefect of the missions; he was to be appointed by the general of the order. The rectors of the foreign seminaries were to communicate with him, and

produce their accounts to him. The foreign seminaries, says Aquaviva, and the whole cause of the English catholics, depending principally on the king of Spain, and frequent recourse to his court being on this account necessary, the prefect of the missions was ordinarily to reside in Spain, but, in his absence, some person, appointed by the general of the order, was to reside there; some jesuit also was to reside in Flanders.—He was to attend to the general concerns of the catholic body, and particularly to the concerns of the foreign seminaries; but, except on pressing occasions, he was not to intermeddle with the concerns of individuals.

Aquaviva behaved, on several occasions, with great generosity, towards the English catholics. In reply to a charge, brought against father Persons, of diverting, to the use of the society, several sums of money designed for the general use of the English catholics, he thus expresses himself: “If it can be proved, that the body of the society, or any man thereof, had to their use received out of England, not two hundred thousand crowns,” (one of the sums, which he was charged with receiving), “but two hundred pence, to be bestowed in benefit of the said society, and not on Englishmen, or the English cause, then I am content that all the rest objected by the slanderers should be granted for true.—Mr. Charles Basset, Mr. George Gilbert, and others, left divers good sums of money, freely given to the said society, or to be disposed by them at their pleasure; and namely, the latter of the two left, by testament yet extant,

“ eight hundred crowns, in gift to the house of pro-
“ bation of St. Andrews at Rome : whereof, or of any
“ other such gift, the general that now is, Claudius
“ Aquaviva, would never suffer any one penny to
“ be admitted, either to the use of the society or
“ to any friend of theirs, but only to be distributed
“ to Englishmen in necessity, and to the use of the
“ English cause, as it was. And the college of
“ Rheims had of this and of other money left by
“ the same gentleman, when he died, to the arbi-
“ trement of the said jesuits, two thousand crowns
“ in gold, and the body of the society never a
“ penny, as to this day appeareth by manifest
“ records*.”

The establishments thus founded and organized by father Persons, were lasting monuments of his zeal for religion, the persevering energy of his mind, his talents, and his address. It is to be observed, that great harmony subsisted between him and Dr. Allen ; it is admitted that Persons was highly instrumental in procuring for his friend the cap of cardinal.

* Manifestation, p. 10 a.

CHAP. XXVIII.

THE DIVISION OF EUROPE AT THIS PERIOD OF THE PRESENT HISTORY, INTO A CATHOLIC AND A PROTESTANT PARTY : ITS CONSEQUENCES.

ANCIENT and modern history differ in nothing so much, as the absence of religious wars and controversies from the former, and the large space which they occupy in the latter. During the successive periods of the Assyrian, Persian, Macedonian, and Roman empires, the grand political division of the world was, into the states within the sway of those powerful empires, and the states beyond it. At the end of the fifth century of the christian æra, by far the greater part of Europe was Roman ; but, after the death of Trajan, the Romans ceased to be conquerors ; and soon afterwards the barbarians of the north and north-east began to invade their territories on every side, and to erect on their ruins, a multitude of principalities, independent on each other, but united by the profession of a common religion, by a common regard for its interests, and by a common submission, in religious concerns, to the pope, as their common head. By degrees, Austria, France, Spain, and England, became the European powers of the first order. The union of the Imperial and Spanish crowns on the head of Charles the fifth, produced confederacies against him. The French monarch was always at their head ; and Europe thus became

divided into two new parties, the Austrian and the French.

The reformation arrived : and then, according to Scheller*, " the interests of the European states, " which, till that time, had been national, ceased to " be such ; and the interests of religion formed a " bond of union, among subjects of different governments, who, till this time, had been unknown " to each other. A sentiment more powerful in " the heart of man than even the love of his " country, rendered him capable of perceptions " and feelings which reached beyond its limits : " the French calvinist found himself more in contact with a calvinist in England, Germany, Holland, or Geneva, than with a catholic of his own " country." This effected a new political division of Europe : France, siding with the separatists from the church of Rome, and introducing to the aid of their common cause the Ottoman power, became the real head of one party ; Austria was the head of the other. But when, upon the abdication of Charles the fifth, his German were divided from his Spanish states, and the civil wars of France weakened her connections with the protestant

* *Histoire de la Guerre de trente ans*,—cited by M. de Bonald, in his interesting essay, " *De l'Unité Religieuse en Europe* ;"—inserted in the *Ambigu* of Peltier, No. cxxv.—This journal contains several other essays of Bonald, on subjects of literature and history, which show great learning, an excellent taste, and profound observation.—See also "*Les véritables Auteurs de la Révolution de France de 1789*, 8vo. Neufchatel, 1797.

powers and the Porte, Philip the second of Spain and Elizabeth of England became the conspicuous characters. Philip, with the aid of Bavaria, was the centre of the catholic system ; Elizabeth, with the United Provinces at her disposition, was at the head of the protestant. During this period, Germany, under the peaceable influence of Rudolph, took no part in the contest ; but all the temporal, and, (which was of much greater consequence), all the spiritual power of Rome, co-operated with the Spaniard, and placed the pope in the van of the catholic array. Then, if Scheller's remarks be just, the protestants in every country subject to the Spanish sway, would be partisans of Elizabeth, and every catholic in the territories subject to her dominion or controul, would be favourable to the designs of Philip and the pope. Pursuing his reasoning, it would follow, that this would be particularly the case of the clergy of each division, on account of their nearer interests in the concerns of religion ; and still more the case of the catholic clergy ; on account of their intimate connection with the Roman see, and graduated dependence upon her.

Now if we examine the conduct of the foreign protestants and the English catholics by Scheller's observation, we shall find the result very favourable to the latter.—While England was at peace with France, Elizabeth supplied the protestant insurgents with men, ammunition, and money, concluded an offensive and defensive treaty with them, and was put by them into possession of Havre de

Grace, which commanded the mouth of the Seine, and was, on that account, esteemed and denominated the key of France. In the same manner, while England was at peace with Spain, Elizabeth fomented the revolt of the protestant Flemings, entered into a similar treaty with them, sent them similar supplies, encouraged her subjects to outrage Philip in the European, West Indian, and South American seas and shores, and readily accepted the offer of the states of Holland, that her ambassador should be admitted into their council *.

On the other hand,—notwithstanding the illegitimacy, or, at most, the dubious legitimacy of Elizabeth, notwithstanding her proscription of the catholic religion and her persecution of the catholics, notwithstanding the plausible pretension of the Scottish queen to the throne of England, and notwithstanding the sentence of deposition fulminated by the pope against Elizabeth, the practical allegiance of her catholic subjects was unshaken:—we shall afterwards have occasion to mention the exemplary loyalty of the universal body to their queen in the hour of her danger.

It may be admitted, that, while the catholics were placed under these trying circumstances, and were so unjustly and so cruelly treated, it was natural to fear their disaffection, and that state

* These instances of Elizabeth's interference with the rebellious subjects of France and Spain, are candidly mentioned by Hume; and eloquently brought forward in the *Responsio ad edictum Elizabethæ*, noticed in a future part of this work.

policy would, therefore, both require and justify precaution. Still, before guilt was committed, or the meditation of it discovered, however just it might be to hold out the terrors of persecution and punishment, the infliction of them was unjustifiable. On the other hand, prudence required from the catholics, that they should avoid every thing that could provoke suspicion, and embrace every lawful measure, which was likely to conciliate either the sovereign or the people; that they should limit their intercourse with the see of Rome, as much as the principles of their religion allowed; that they should have no political relations with Spain, or any other foreign power, and no intercourse with the queen of Scots; that they should abstain from all state concerns, particularly those, which regarded the royal succession; that they should avail themselves of every opportunity of testifying their absolute and unqualified allegiance to her majesty; and that even in spiritual matters they should adopt, as far as the true doctrines of their religion admitted, all arrangements that would please, and avoid all that would be offensive to government. This, good sense and duty prescribed to the flock: this, their pastors, and this, in a particular manner, the supreme pontiff of their church should have preached to them, and confirmed by words and example.

To this conduct also the government of Elizabeth should have invited her catholic subjects. They should have reflected that, while catholics peaceably obeyed the processes of her courts, cheerfully served in her fleets and armies, and did no act inconsistent

with true allegiance, they filled the full measure of a subject's duty : they should have considered, that nothing wounds the feelings, either of the informed or the uninformed, so much, as violence to their religious principles ; they should have recollected, how the catholic mind must have been lacerated by what had recently taken place ; they should therefore have been ready to excuse some intemperance, some hasty ebullitions of inconsiderate zeal ; they should not have been eager to find out what was reprehensible ; when guilt appeared, they should not have punished it on the innocent ; and, above all, they should have kept steadily in view, that crime and misdemeanor are the only just objects of penal infliction ; and that, in mere creed or mere worship, there is not, in respect to the state, either crime or misdemeanor.

Such, at the time to which our subject has now led us, ought to have been the conduct of the English catholics and protestants towards each other : how far they pursued it, will appear in the following pages.

CHAP. XXIX.

PENAL ACTS OF THE FIRST AND FIFTH YEARS OF THE REIGN OF QUEEN ELIZABETH, FOR THE DENIAL OF THE QUEEN'S ECCLESIASTICAL SUPREMACY; AND FOR NOT CONFORMING TO THE LEGISLATIVE PROVISIONS FOR THE UNIFORMITY OF THE COMMON PRAYER.

1558—1563.

IN the history of religious persecution, the penal and sanguinary laws passed by the parliaments of queen Elizabeth, and the numerous instances, in which they were carried into execution, fill a considerable space: we shall endeavour to bring them properly before the view of the reader, so far as they directly or indirectly affected the English catholics.

1. Two such acts, each extremely penal, were passed in the first year of the queen: the first, for abolishing papal jurisdiction and establishing the queen's supremacy; the other, for effecting uniformity of common prayer.

By the first of these statutes, archbishops, bishops, and other ecclesiastical officers or ministers, and all temporal officers and ministers, and generally all persons receiving the queen's fee, who refused to take the oath of supremacy prescribed by that act, and mentioned in a former page of this work, were incapacitated from holding any office; and all, who

denied the supremacy, were, for the first offence, punishable by forfeiture of goods and chattels; for the second, subjected to the penalties of a præmunire; and for the third, rendered guilty of high treason.

None, however, except persons holding ecclesiastical or civil offices, could be required to take the oath; and none but those, who voluntarily denied the queen's supremacy, were subjected to other penalties. Thus, the operation of this act, though severe, was limited.

2. The second of the acts, which we have mentioned, enjoined all ministers to use the book of common prayer, and none other, in the celebration of divine service; and provided that every minister refusing to use it, or using any other, or speaking in degradation of the common prayer, should, if not beneficed, be, for the first offence, imprisoned one year; for the second, imprisoned for life; and if beneficed, should, for the first offence, be imprisoned during six months, and forfeit a year's value of his benefice; for the second, deprived of his benefice, and suffer one year's imprisonment;—and for the third, in addition to deprivation, be imprisoned for life. It further provided, that, if any person should speak in derogation of the book of common prayer, or prevent the reading of it, or cause any other service to be read, he should forfeit, for the first offence, one hundred marks; for the second, four hundred; and for the third, all his good and chattels, and be imprisoned for life.

The operation of this statute was also limited: it

affected only the protestant clergy, and persons in general, who should speak against the common prayer-book.

3. Some disturbances, attributed to catholics in the north, but which do not appear to have been of magnitude, occasioned an act to be passed in the fifth year of the reign of her majesty, by which persons, maintaining the authority of the pope or the Roman see, were subjected to the penalties of præmunire: ecclesiastical persons, fellows of colleges in the universities, and officers in the courts of justice, were compellable to take the oath of supremacy under the penalty of præmunire for the first offence, and those of high treason for the second: and persons, who had said or heard mass, might have the oath tendered to them, and their refusal of it was punishable by the same penalties.

This act considerably extended the penal code, and operated generally on the whole body of English catholics: but it was far from being generally carried into execution.

CHAP. XXX.

BULL OF PIUS THE FIFTH, EXCOMMUNICATING
QUEEN ELIZABETH:—PENAL ENACTMENTS
AGAINST THE CATHOLICS.

1570.

IN more than one page of his different works, the writer has taken occasion to express his opinion, that the claim of the popes to temporal power, by

divine right, has been one of the most calamitous events in the history of the church: its effects, since the reformation, on the English, Irish, and Scottish catholics have been dreadful, and are still felt by them severely. We have now to mention the bull of Pius, and the penal enactments by which it was followed.

XXX. 1.

Bull of Pius the fifth.

THE bull of Paul the third, deposing Henry the eighth, and absolving his subjects from their allegiance, and the arrogant answer of Paul the fourth to the ambassador of queen Elizabeth, have been mentioned: we have now to notice the bull, “*Regnans in excelsis*,” of Pius the fifth. After reciting her offences, this pope, “out of the fulness of his apostolic power, declares Elizabeth, being an heretic, and a favourer of heretics, and her adherents in the matter aforesaid, to have incurred the sentence of anathema, and to be cut off from the unity of the body of Christ.” “*Moreover*,” continues the pope, “we declare her to be deprived of her pretended title to the kingdom aforesaid, and of all dominion, dignity, and privilege whatsoever: and also the nobility, subjects, and people of the said kingdoms, and all others, which have in any sort sworn unto her, to be for ever absolved from every such oath, and all manner of duty, dominion, allegiance, and obedience; as we also do, by the authority of these

“ presents, absolve them, and do deprive the same
“ Elizabeth of her pretended right to the kingdom,
“ and all other things aforesaid : and we do com-
“ mand and interdict, all and every the noblemen,
“ subjects, people, and others aforesaid, that they
“ presume not to obey her, or her monitions, man-
“ dates, and laws : and those, which shall do to
“ the contrary, we do innodate with the like sen-
“ tence of anathema.

“ And, because it were a matter of too much
“ difficulty to carry these presents to all places,
“ where it may be needful, our will is, that the
“ copies thereof, under a public notary’s hand, and
“ sealed with the seal of an ecclesiastical prelate, or
“ of his court, shall carry altogether the same credit
“ with all people, judicial and extrajudicial, as these
“ presents should do, if they were exhibited or
“ shown.—Given at Rome, at St. Peter’s, in the
“ year of the incarnation of our Lord 1570, the
“ 5th of the calends of May, and of our popedom
“ the 5th year.”

Such was this celebrated bull, ever to be condemned, and ever to be lamented. It is most clear,—that the pope assumed by it a right, the exercise of which Christ had explicitly disclaimed for himself ;—that it tended to produce a civil war between the queen’s protestant and catholic subjects, with all the horrors of a disputed succession ; and that it necessarily involved a multitude of respectable and conscientious individuals in the bitterness and most complicated distress. What could have fascinated the pontiff, virtuous and pious, as

all historians describe him, to the adoption of such a measure*!

Some months after it was published, Mr. John Felton, a catholic gentleman, affixed it to the gate of the palace of the bishop of London. He was apprehended, and tried for high treason; he confessed the fact, was found guilty, and deservedly executed. The English catholics reprobated his conduct, and never accepted the bull. Felton himself acknowledged the guilt of the action, and begged her majesty's forgiveness.

"The bull of pope Pius the fifth, against queen Elizabeth," says Strype †, "was set up in Paris at Pont St. Estienne, containing the self-same matter, and on the same day, (March the 2d), that Felton set it up at St. Paul's, London: putting her under a curse, and all that adhered to her; and absolving her subjects from their oath of allegiance: and those, that should obey her, to be involved under the said curse. This insolent bull may be read at length in our histories: and particularly in Camden's Elizabeth. The people of Paris flocked mightily together about it. The queen's ambassadors, then in France, were the lord Buckhurst and Mr. Walsingham, whose servant went boldly and tore it down and brought

* Pope Pius the fifth was beatified by Clement the tenth, in 1672, and canonized by Clement the eleventh, in 1712; his festival holds its place in the Roman calendar, on the 5th of May: but in canonizing a saint, the church is far from canonizing all his actions.

† Ann. Ref. vol. ii. p. 17.

“ it to his master, who, with the lord Buckhurst,
“ after some conference, repaired to the king and
“ immediately broke with him in that behalf. He,
“ calling Walsingham unto him, asked him the con-
“ tents of the bull : whereof being advertised, and
“ Walsingham presenting to him so much of the
“ bull as was given him by his servant, the king
“ showed himself very much moved thereat, and in
“ such sort as that both might very well see he was
“ unfeigned : and forewith he called Lansac unto
“ him, to take order with the judge criminal for the
“ searching out of the setter-up of the same : and
“ assured the ambassadors, if by any means he could
“ be found, he should receive such punishment as
“ such a presumption required : considering the
“ good amity between him and his good sister.
“ Walsingham then showed the king that, if he did
“ not take order in this, the like measure might be
“ measured to himself *. To which he answered,
“ that he did perceive that very well : and that
“ whosoever he were, that should seem to ask in
“ honour any of his confederates, he would make
“ account of him accordingly. After Walsingham
“ departed from the king, Lansac told him in his

* This was verified in the person of his successor, Henry the fourth. While he was king of Navarre, Sixtus Quintus, by a bull signed by himself and twenty-five cardinals, excommunicated that prince, and his brother the prince of Condé, deprived them and their successors of all their states, and particularly of their rights of succession to the throne of France, and absolved all their subjects and vassals from their oath of allegiance. Daniel, *Hist. de France*, ed. 1755, tom. xi. p. 201.

“ ear, that he had great cause to guess, that this
“ was done by some Spanish practice.”

XXX. 2.

Penal Enactments in consequence of the Bull of Pius.

THIS proceeding of Pius could not but irritate the queen and all her subjects,—whether catholics or protestants,—who were attached to her by affection or a sense of duty. They soon produced two legislative acts :

1st. By the first, persons who affirmed that Elizabeth was not a lawful sovereign, or that any other had a preferable title,—or that she was an heretic, schismatic, or infidel,—or that the right to the crown and the succession could not be determined by law, were declared guilty of treason.

2d. By the latter, persons procuring or bringing in bulls or briefs from the pope, and absolving others by virtue of them, or receiving such absolutions, were declared, in like manner, guilty of treason ; their aiders and abettors were made guilty of the penalties of a *præmunire* ; persons concealing them for above six weeks were punishable for misprision of treason ; and priests bringing *Agnus Dei*'s and similar articles, blessed by the pope, or by his authority, to which pardons or immunities were annexed, were subjected to the penalties of *præmunire*.—In the construction of this act, it appears to have been understood that the absolutions, which it mentions, did not denote absolutions, given in sacramental

confession, but those absolutions only which were granted by special faculties.

The statutes, which we have mentioned, were abundantly severe : but government was not active in putting them in force. It is observable, that father Persons, in his *Philopater*, in which queen Elizabeth is mentioned in the very bitterest language of contumely, mentions her disposition to be naturally kind and humane; that the *Brief Historical Account of the Jesuits**, cites passages from father Persons and father Creswell, acknowledging the lenity of queen Elizabeth at the beginning of her reign, and that both in the "supplication" presented by the English catholic gentlemen, and the "supplication" presented by the English catholic clergy to king James, upon his accession to the throne of England, it is expressly said, that "the queen always professed to punish none for religion; and that the first twelve years of her reign, as they were free from blood and persecution, so were they fraught with all kind of worldly prosperity." Yet the whole catholic body suffered much during that period; but the dreadful scenes, which followed, caused them to look back to those years, however sorrowful, with regret.

* P. 21. A copy of this work is in the library of the British Museum.

CHAP. XXXI.

MISSIONARY PRIESTS AND JESUITS:—ACT OF
THE TWENTY-THIRD YEAR OF THE REIGN OF
QUEEN ELIZABETH.

1580.

AS the missionary establishments of the English catholics on the continent were always a prominent article in the justification of the penal code of Elizabeth, they require particular attention in these pages: we shall therefore lay before the reader, I. Some extracts from the writings of father Persons and cardinal Allen, which show their nature;—we shall then notice the charge brought against them by Hume, and suggest an answer to it: II. We shall afterwards give some account of the first proceedings of the missionary priests and jesuits: III. And succinctly state the penal enactments of the statute of the 23d year of queen Elizabeth against them.

XXXI. I.

Extracts from the Writings of father Persons and cardinal Allen, which show the nature of the Missionary Institutions:—Hume's Charge against them, and an Answer to it.

THE foundation of the principal foreign seminaries has been already noticed: the internal administration of them was certainly excellent.

“ Whether you look,” says father Persons, “ to
“ the manners, or to the learning of their inmates,
“ you will find that nothing can be devised more
“ perfect or more worthy of a christian; never, in my
“ opinion, did England, in the time of its greatest
“ prosperity, behold any thing more excellent.
“ None are received into them without a consider-
“ able degree of previous probation; none, whether
“ they are come to us from heresy or catholicity,
“ are admitted without a previous general confession
“ of their sins, and making a firm resolution to avoid
“ evil and do good, during the whole remainder of
“ their lives. The dress is decent, the food mode-
“ rate; and the dress and food of all are alike: all
“ live in seclusion from the world and its concerns;
“ the inmate of the seminary never passes its walls,
“ except to attend the public lectures or sermons,
“ or for the innocent recreation of a walk in the
“ fields: but none quit the seminary without a
“ companion, or leaving his name with the porter.
“ Of the twenty-four hours, seven, or at the utmost
“ eight, are given to sleep; three, to meals and
“ relaxation; and thirteen, to meditation, prayer,
“ and study. The day begins and ends with
“ prayer; and all hear mass every day: they fre-
“ quently confess their sins to the priest, and
“ generally, on every eighth day, receive the holy
“ communion.”

Such was the internal economy of these seminaries in the time of Persons; such it continued till the extinction of them at the French revolution.

Most bitterly, however, did their learned and pious inmates,—(for pious and learned they assuredly were),—bewail their exile from their native land. “Thou knowest, good Lord,” says cardinal Allen in his *Apology** for them, “how often we have lamented together, that, for our sins, we should be constrained to spend either all, or most of our serviceable years, out of our natural country, to which they are most due; that our offices should be acceptable, and our lives and services agreeable to strangers, and not to our dearest at home. Thou knowest, how earnestly we have desired thee to incline our prince’s heart to admit us into our country, into what state soever; and that we might, in poverty and penance never so extreme, serve the poor souls to their salvation; voiding our cogitations of all honours, commodities, preferments, that our forefathers and the realm yielded and gave to such functions; acquitting them, for our own parts, to the present possessors and incumbents, or to whomsoever God shall permit. Thou knowest, how justly we have bewailed our heavy case, that so many strange nations having their churches, with freedom to serve God after their manner, in our country, only catholics, (who in our fathers’ days, had all, and for whom, and by whom, all churches

* “*Apology and true Declaration of the Institution and Endeavours of the two English Colleges, the one in Rome, the other now residing at Rheims, against the sinister informations given up against the same.*” Douay, 8vo.

“ and christianity rose), can, by no intercession of
“ foreign potentates, nor no sighs nor sorrows of
“ innumerable most loyal subjects, obtain one place
“ in the whole land, to serve their Lord God, after
“ the rites of all good christian princes, priests, and
“ people of the world : that no Jew, no Turk, no
“ Pagan, can, by the law of God, nature, or nations,
“ be forced from the manner and persuasion of
“ his own sect and service, to any other, which
“ by promise or profession he or his progenitors
“ never received ; only we,—that neither in our
“ own persons, nor in our forefathers, ever gave
“ consent to any other faith or worship of God,
“ but have, in precise terms, by protestation and
“ promise, bound ourselves in baptism to the reli-
“ gion, faith, and service, catholic alone,—are,
“ against divine and human laws, and against the
“ protestant’s own doctrine, in other nations, not
“ only bereaved of our christian due in this behalf,
“ but are forced by manifold co-actions, to those
“ rites, which we never knew, nor gave our assent
“ unto.”

It is difficult to believe that the writer of these affecting lines had not an English heart.

In the same work, the cardinal does justice to his friend father Persons, and to Persons’s spiritual sons. “ We protest,” he says, “ that neither
“ the reverend fathers of the society, whom the
“ people call jesuits,—(an express clause being in
“ the instructions of their mission into England,
“ that they deal not in matters of state, which is to
“ be showed, signed with their late general’s hand

of worthy memory),—neither the priests, either of the seminaries or others, have any commission, direction, instruction, or insinuation, from his holiness, or any other their superior, either in religion, or of the like, to move sedition, or to deal against the state; but only by their priesthood and the functions thereof, to do such duties as be requisite of christian men's souls, which consists of preaching, teaching, catechising, ministering the sacraments, and the like."

"Your highness's noble father," concludes the eloquent cardinal, "as of worthy and wise men we have heard, was fully determined to give over the title of supremacy, and unite both himself and his realm to the see and church apostolic againe; but being prevented by death, could not accomplish his most necessarie and honourable designement, and may therefore be both an example and a warning to your majestie, the last of all his dearest children, to accomplish that thing, which, to his great wisdom at the going out of this life, was thought so necessarie for his soul, his people, and posterity, which diverse princes and provinces begin now to think upon more seriously than before. Incline your heart, for Christe's love, gracious lady! to our humble suit made for your own soul; and be not offended with your poore subjects, for moving your majestie in so plaine terms, in God's and the church's cause. Wherein, if our Lord of his secret judgment permit us not to be heard, yet, in doing so dutiful an endeavour, we cannot

“ loose our labours, for which we must be always
 “ ready, (as God shall please), to loose our lives.”

“ In the mean time, not repugning or resisting
 “ any of your majestie’s or the realm’s temporal
 “ laws, we trust no reasonable man can reprove
 “ us, if we refuse to be obedient to the pretended
 “ laws of religion, which we think in conscience,
 “ and can prove to be, against the laws of God,
 “ and not consonant to any just and truely called
 “ laws of our country.”

The account given by Hume*, of these seminaries, is extremely imperfect and inaccurate: but something beyond imperfection and inaccuracy may be justly imputed to him, when he informs his reader, that “ sedition, rebellion, sometimes assassination, were the expedients by which they intended to effect their purposes against the queen.” To this atrocious charge, six unquestionable facts may be opposed:—in the first place, the circumstance,—that, of two hundred catholics who suffered death for religion in the reign of Elizabeth, one only impugned her title to the throne,—next, that they all, to the moment of their deaths, persisted in denying every legal guilt, except the mere exercise of missionary function: thirdly, that their accusers were uniformly persons of bad lives, and of the lowest character: fourthly, that there is not an instance, in which the tortures inflicted on them produced from any one of them, either a confession of his own guilt, or a charge of guilt on others: fifthly, that the barbarous

* Chap. xli.

irregularity, with which their trials were conducted has seldom been exceeded; and sixthly, that even this irregularity never furnished legal evidence of the commission of any legal guilt, except, as we have already noticed, the mere exercise of missionary function. It must be added, that even the exercise of missionary function was seldom proved on them by regular evidence.

XXXI. 2.

First Proceedings of the Missionary Priests and Jesuits.

THE general condition of the English catholics now became worse every day : a multitude of spies was employed by government to watch their conduct and discourse, and discover their domestic and foreign relations. These sometimes pretended to be catholics, and conformed to the rites and obligations of the catholic religion : some crossed the seas and insinuated themselves into the confidence of individuals ; they even found admittance into the catholic colleges ; they caused drawings and paintings to be made of persons obnoxious to the queen and her ministers, or respecting whom they were particularly solicitous to procure information. When father Persons and father Campian were expected in England, the custom-house officers, in every port, at which it was thought likely they would land, were furnished with drawings of them, that they might discover and apprehend them immediately on their arrival.

The missionary priests lived in a constant state of concealment and terror: there generally was in the catholic houses, where they resided, a place to which, in case of an hostile search for him, the priest might retire: great precautions were used in the admission of persons to assist at the divine service; and generally some confidential servant was upon the watch to observe who approached the house. Sometimes the priests hid themselves in obscure caves or excavations in fields or woods: a tangled dell in the neighbourhood of Stonor Park, near Henley on Thames, is yet shown, in which Campian wrote his "Decem Rationes;" and to which books and food were carried by stealth.

Notwithstanding these severe restraints and precautions, missionary duty was actively discharged: time even was found for writing, and means devised for circulating books of devotion and controversy. "Dr. Whittaker," says Dodd*, "and other learned men of our universities, thought it justice to own, that the English clergy, though but a handful, and labouring under infinite disadvantages, had distinguished themselves beyond any other part of the church of Rome:" this expression shows the general opinion, which was entertained of the literary labours of the English catholic divines, by their adversaries. Some catholics, however, frequented the court; a few were advanced to places of high honour and trust; several filled subordinate offices. The act of the first of the queen excluded catholics from the house of

* Secret Policy, p. 3.

commons ; but till the 25th year of the reign of Charles the second, they always sat and voted in the house of lords.

Such was the general state of the English catholics when, in 1580, the missionary jesuits first arrived in England. A letter of St. Ignatius to cardinal Pole, the cardinal's answer, and his letter of condolence to father Lainez, on the death of St. Ignatius*, show the esteem which the cardinal had for the holy father and his institute : and that St. Ignatius had entertained thoughts of sending priests of his order into England. In the first of these letters†, (which was written in 1555), after mentioning the flourishing state of the society, then in its infancy, St. Ignatius informed the cardinal, that it possessed one English and one Irish student ; and suggests, that if the cardinal would send him some youths, properly qualified and disposed, the society would soon restore them to their country, well instructed in religion and learning, and full of veneration for the holy see.—It is said, that he foretold that English jesuits would be erected into a province. At a subsequent time, father Ribadeneira and another jesuit, both of them Spaniards, reached England ; but perceiving that their ignorance of the language was an insuperable bar to the

* In cardinal Quirini's Collection of the Letters of cardinal Pole, tom. v. p. 117–121. Some readers of these pages will think with father More (Hist. p. 1,) non postremum, Angliæ locandum est malis, quod societatem Jesu didicit prius odio habere, quamquid odio prosequeretur, agnosceret.

† Ist. p. 10, 11.

success of their missionary labours, quitted it almost immediately.

Soon after cardinal Allen had established his seminary at Douay, he requested father Mercurianus, the general of the society, to send some of its members upon the English mission. It appears from Bartoli*, that the general was averse from the proposal, being very apprehensive that it would offend the protestants, and raise divisions among

* Bartoli's words, (1st. p. 78,) are very remarkable:—"It was
 " easy to foresee that, whether few or many of our society
 " were in England, great commotions must necessarily arise
 " both among the catholics and the protestants. This was so
 " true, that soon after the arrival of the two first,—(as we shall
 " presently see,)—there were more disputes on that subject,
 " than on any other, as well among the catholics as among
 " their adversaries; and this is precisely what Persons wrote
 " to us at the time: 'It is expected,' (these are his words,)—
 " 'that the persecution of the catholics will be redoubled,
 " and that new and more sanguinary edicts will be issued
 " against the missionary priests and the catholics in general,
 " as the government of that kingdom is in the hands of
 " protestants; and this we shall see fulfilled soon after the
 " two first of our society shall have set foot in England.'—
 " Now, if we, by our own free will, had acted in that kingdom
 " on the first application, as we did afterwards, I am induced
 " (by experience,) to believe, that the disputes and altercations
 " which must have ensued thereupon, and the consequent
 " appeals to the judges and tribunals against such proceed-
 " ings, would have subjected us to much censure, not only for
 " imprudence and rashness, but also for creating disturbances
 " in places, where (as all would have then said,) every thing,
 " till the time, was tranquil; and in the end would have
 " caused us either to have been recalled, or would have forced
 " us away."

the catholics : but pope Gregory the thirteenth enforced Allen's request*.

In obedience to the pope's command, the general of the society gratified Allen by ordering father Persons and father Campian into England. The former has been mentioned ; the latter was born of protestant parents ; was first educated at Christ's hospital, and thence removed to St. John's college in Oxford, where he took the order of deacon in the church of England. A public oration, which he delivered in the presence of queen Elizabeth, was greatly admired, and attracted the particular notice of her majesty, who sent the earl of Leicester to inquire into his views, and assure him of her favour. Soon afterwards he embraced the catholic religion, and went to Ireland ; but understanding that orders for his apprehension were issued, he fled to Flanders, and was received into the college of Douay, ordained priest, and made professor of divinity in that university. He then entered into the society of Jesus ; and, for some time, taught

* This account, which we have taken from Bartoli, is confirmed by Sanders : " Because the fathers of the society of Jesus were very much talked of among catholics, for their excellent method in bringing up children for their institute, for their learning, and the manifold grace with which they shone both with God and men ; and because the English were particularly desirous they should be employed on that mission, earnest application was made to their superiors, who were at last wrought upon, (the pope himself having thought fit to interpose his authority in this affair,) to send some of their ablest missionaries, particularly English, into the harvest." Sanderus de Schism. Ang. l. iii. p. 188.

divinity in the university of Prague. Wherever he went, he was equally respected for his eminent learning and piety, and beloved for his obliging disposition and unassuming manners.

With the pope's benediction, the two missionaries quitted Rome on the Sunday after Easter, in the year 1580. Two or three other priests of the society accompanied them; all were placed under obedience to Persons. Before they proceeded on their mission, Mercurianus, the general, delivered to them instructions to regulate their conduct; these ordered them, explicitly, to avoid, in a particular manner, all discussion, either by word of mouth or in writing, of any thing which related to the public concerns of the kingdom*. It is observable that, in an excellent letter which Aquaviva, the general of the society, addressed to the English members of it, in 1607, he strongly enjoined them, (which, he says, he had often done before), to abstain from political conversations†. The whole letter is written in a spirit of moderation and piety: Aquaviva was one of the greatest men whom the society has produced.

Persons and Campian took with them an important document;—it has been mentioned in a former part of this work, that the bull of Pius, for-

* “Acceptis ab Everardo Mandatis de re catholicâ per nostri instituti ministeria diligenter procurandâ, atque non minori diligentia vitandâ omni rerum, quæ ad regni publica negotia pertinerent, seu verbo seu scripto tractatione.”
More, l. iii. p. 61.

† Juyenci, lib. xiii. p. 5, s. 70.

bad the subjects of Elizabeth to obey her, or her laws; and involved those, who should so obey, in the sentence of excommunication, which it pronounced against her. On an application from Persons and Campian, pope Gregory the thirteenth, the successor of Pius, granted that the bull should, from that time, be understood in this manner,—“that
 “ it should always oblige the queen and heretics;
 “ and should by no means bind catholics, as matters
 “ then stood; but thereafter bind them, when some
 “ public execution of the bull might be had or
 “ made*.”

This has been termed a mitigation of the bull of Pius: now, in respect to Elizabeth and her heretical subjects, it scarcely deserves this description; and, as it recognizes the principle of the bull of Pius, and suspends the action of it only till circumstances made an execution of it feasible, it was scarcely less reprehensible than the bull itself: still it quieted some scruples, and had something of a pacific tendency.

Always respectable and attractive, the society of Jesus had, at this time, all the charm, which first fervour and novelty can confer: the missionaries, particularly Persons and Campian, were hailed, both by the clergy and laity of England, as angels descended from heaven.

* *Ut obliget semper illam et hæreticos; catholicos vero nullo modo obliget, rebus sic stantibus; sed tum demum quando publica quædam executio fieri poterit. Datum 14 Ap. 1580. Lord Burleigh's Execution of Justice for Treason, p. 12, 13. Jesuits Memorial, p. 26. Card. Allen's Admonition, c. 2.*

A meeting of the jesuits and the missionary priests now took place, and by the desire of all, Persons presided. Bartoli * informs us, that he particularly called the attention of the meeting to three points. 1st. He told them that it had been reported abroad, that he and Campian had been sent to England, in consequence of a league entered into by the catholic princes against her majesty; and that the business of him and his companion was, to draw the nobility into plots; to make parties among the people, and, under the pretence of religion, to manage and model matters of state. To clear themselves from such imputations, he assured them, (swearing by his faith) †, that they had no such intention; or any other commission, than to co-operate with the secular clergy, in procuring the conversion of England, by those means only which properly belonged to priests. As to affairs of state, he read to them the severe charge, which their general Mercurianus had given them, at parting; and which we have mentioned in a former page.—“Not,” said Persons, “that we
 “would have meddled in those matters if it had
 “not been forbidden us; but we wish that by
 “making public the general’s charge, we may prevent all, who are informed of it, from starting
 “such discourses in future.”

He then called their attention to the recent decision at Trent, respecting the unlawfulness of the attendance of catholics at the divine service in pro-

* Bart. Istorica.—More, p. 64.

† E sotto fide giurato certificollo.

testant churches, and strongly recommended their observance of it.

He then noticed a point, which had created some unpleasant altercation between the old priests and the new comers. The former, who remembered the church of England in her splendour, were naturally attached, with warm affection, to her discipline and customs; the latter, who came from the mother and mistress see, full of zeal and devotion to her, wished that every thing should conform to her rules and practices. On this principle they wished that the fasts peculiar to England, though they had never been abrogated by any spiritual authority, and though they had been recognized and restored by cardinal Pole, should be abolished. This shocked the feelings of the venerable old priests. Great and warm disputes took place, and there was a great diversity of practice. It was agreed to leave the matter to father Persons: his judgment upon it was dictated by good sense and moderation; he admitted the propriety of adhering, as much as possible, to the ancient customs of the English church; but observed, that the events of the times had rendered an absolute and unqualified observance of them impracticable; he therefore recommended, that, where the customs had been continued, they should be retained; that, where they had been interrupted, they should not be restored; and that neither party should blame the practice of the other. The decision was generally approved. Two years, however, after this time, father Heywood, the superior of the jesuits, made

an attempt to break through this arrangement, and to conform the fasts to the Roman style; this gave offence; he was blamed by his superiors, and recalled*.

The reverend father then called the attention of the meeting to a matter of much greater importance: some parts of the kingdom, he observed to them, abounded in priests, while there was a great scarcity in others: he therefore suggested the absolute necessity of a more equal re-partition of the clergy. Upon this, many of the priests placed themselves, under his direction, in a kind of religious subjection to him†, and offered to go and labour in any manner, and at any place, which he should prescribe to them. This, though attended with many salutary consequences, particularly that of distributing the missionaries more equally, and introducing an organized system of regularity and subordination among a great portion of them, was considered by some, who did not join the new discipline, to be objectionable, as it tended, in their opinion, to divide the body, particularly its clerical members, into parties, and was therefore likely to produce a spirit of rivalry, that, at no distant time, would degenerate into contention; they also observed, that it necessarily operated to give father Persons and his adherents an ascendancy, in the concerns of the mission, which could not be pleasing to the missionaries, who should remain on the ancient footing.

* Bart. p. 277.

† Non altramante che sudditi. Bart. p. 277.

Still, the mission prospered, and the clerical adherents of each band laboured in the general cause, with a zeal and circumspection that were equally edifying and prudent : several conversions were made : those of lord Compton, Mr. Catesby, and Mr. Tresham, by father Persons*, were particularly noticed.

The queen and her ministers now began to express their alarm at the influx of missionary priests from the foreign seminaries. Prosecutions of them were ordered, searches for them directed, proclamations against them issued, inquiries made

* More, p. 74.—The same author, in a subsequent part of his work (p. 152,) takes notice of an observation which was made, at that time, that the members of the society of Jesus could not, consistently with the nature of their institute, engage in missionary labours, except in a kind of subordination to the secular clergy. “ But whence comes the mighty difference,” he asks, “ between the regular and the secular clergy, that, in the work of the salvation of souls, we cannot act on an equality ? We decline, as by our rule of obedience we are bound to do, all ecclesiastical dignities : but little or rather no dignity in the external forum, has been granted to any priests in England.—As far as divine grace allows, the precept to assist the souls of men, is given to all in common, and requires no external jurisdiction; and in this, all of us who are sent on the mission, industriously employ ourselves, as opportunities offer. The same Lord has appointed us workmen in his vineyard. From the same fountain, the ancient privileges of the religious orders, and the new privileges, accommodated to this mission, are derived. Perhaps even these missions might, with greater propriety and greater convenience, (let not the expression offend,) be entrusted to members of our society than to other men.”

for those who had sent their children abroad for education, injunctions for their immediate return published, penalties denounced against the missionary priests, particularly mentioning the jesuits, —against those, who harboured them, and against all, who quitted the kingdom without the queen's license; and rewards were offered for the discovery of offenders.

Government were singularly desirous of apprehending Persons and Campian. We have mentioned their arrival in England: it took place towards the end of June 1580. They met soon afterwards in London: each, in concert with the other, addressed a letter to the privy council. The letter of Persons is lost; that of Campian is preserved: he gave a copy of it to one of his friends, with directions to preserve it secret, unless his friend should hear of his imprisonment; and then to print it. His friend incautiously printed 1,000 copies of it before Campian's apprehension, and it thus became public. By it, he briefly informed the council of his arrival, and of the object of his mission; and earnestly solicited, that he might be permitted to propound, explain, and prove his religious creed, first, before the council; then, before an assembly of divines of each university; and afterwards, before a meeting of graduates in the civil and canon law. "As touching the society of Jesus, be it known to you," he said in his letter, "that we have made a league;—all the jesuits in the world, whose succession and multitude must overreach the practices of England,—for bearing the cross that you

“ shall lay upon us, and never to despair of your
 “ recovery, while we have a man left to enjoy your
 “ Tyburn, or to be racked with your torments, or
 “ be consumed within your prisons : expenses are
 “ reckoned : the enterprise is begun ; it is of God ;
 “ it cannot be resisted : so the faith was planted,
 “ so it must be restored *.”

The spirit of this letter may be admired ; its
 prudence must be questioned ; it gave great offence :
 father Campian himself, in a letter to Mercurianus
 the general, says, that “ the publication of it put
 “ the adversaries of the catholics into a fury †.”
 The queen and her ministers were highly incensed :
 Bartoli informs us of the terrors of the catholics in
 consequence of it. “ A report,” he says, “ of a
 “ very alarming nature, was spread,—that, early in
 “ the winter, the parliament would be convened,
 “ and that the measures to be proposed in it, would
 “ be so sanguinary, that, if they should be carried
 “ into execution, the catholics would be reduced,
 “ in all probability, to the extreme of misery.”

XXXI. 3.

*The Act of the twenty-third year of queen Elizabeth
 against Missionary Priests and Jesuits.*

Soon after these letters were written by Persons
 and Campian, they separated ; the former remain-
 ing in London, the latter repairing to a northern
 part of England : they met afterwards at Uxbridge :

* Strype, Ann. vol. iii. c. 3.

† Bridgewater's Concertatio, p. 4.

a proclamation against them was issued : Persons fled to the continent ; Campian was apprehended : an account of his trial and execution will be the subject of a subsequent chapter.—We shall now present the reader with an abstract of the legislative enactment, which speedily followed the transactions we have mentioned.

It recites, that divers evil affected persons had practised contrary to the meaning of the statute of the thirteenth year of her majesty's reign, by other means than by bulls or instruments, to withdraw divers from their obedience to her majesty, and to obey the usurped authority of Rome : for reformation of which, and to declare the true meaning of that law, it was enacted,—that all persons, who had or should pretend to have power to absolve or withdraw any of her majesty's subjects from their natural obedience to her majesty ; or to withdraw them from the established religion, to the romish religion, or who should move them to promise any obedience to any pretended authority of the see of Rome, or to any other potentate ; or do any overt act to that purpose, should be adjudged traitors, and suffer and forfeit, as in the case of high treason. Persons absolved, and their aiders and abettors, and persons knowing and not disclosing these practices, were rendered guilty of misprision of treason. Every priest saying mass was to forfeit 200 marks, every person hearing it, 100 : and each was to be imprisoned for a year, and till he paid the fine. Every person, above the age of sixteen years, who should forbear from going to church, to the common

prayer, contrary to the act of the 1 Eliz. c. 2, was, upon conviction, to pay 20*l.* for every month; and, if he should absent himself from it during a whole year, he was to be bound in 200*l.* sterling, for his good behaviour. Persons keeping schoolmasters, either not conforming, or unlicensed by the bishop of the diocese, were to pay, for every month, 10*l.* and the schoolmaster was to be imprisoned for a year.

CHAP. XXXII.

ALLEGED PLOTS OF THE ENGLISH CATHOLICS
AGAINST QUEEN ELIZABETH:—PENAL ACT
OF THE TWENTY-SEVENTH YEAR OF HER
REIGN.

1584.

A DEFENCE of the part which has been mentioned, and of that which remains to be mentioned, of the sanguinary code of Elizabeth, was, at the time of their enactments, generally made by accusing the catholics of various rebellious practices and plots against her person and government. The principal of these are; I. The insurrection of the earls of Northumberland and Westmoreland: II. The treason, as it is usually termed, of Mr. Francis Throckmorton: III. Dr. Parry's project to assassinate the queen: IV. Somerville's plot: V. And Babington's conspiracy: VI. These we shall succinctly mention; VII. Then state the result, to which our consideration of them has led us; and briefly state the act of the 27th year of her

majesty, to which the plots, which we have mentioned, were supposed to give rise: VIII. We shall close the chapter with some observations on the alleged participation of Mary of Scotland in the murder of Darnley, and the conspiracy of Babington.

It is evidently beside the object of these pages, to enter into a particular detail of any of these unjustifiable attempts: the points to be settled are, whether they can be charged, with justice, on the general body of the English catholics, and whether they furnish reasonable ground for believing, that they proceeded from any principle of the catholic religion, or from any opinion, generally entertained by persons of that communion.

Perhaps the following short statements may lead to a proper conclusion on each of these points.

XXXII. 1.

The Insurrection of the earls of Northumberland and Westmoreland.

THIS insurrection took place in the year 1569:—it is admitted that the earls were catholics;—that the restoration of the catholic religion was one of the avowed objects of their insurrection; and that they attempted to engage the general body of the catholics in their schemes. In the words of Camden, the queen's historiographer, we shall state the result of these attempts; and, without adding a single reflection, commit the conclusion to the reader. "They sent letters," says Camden,

“ to the papists all round the kingdom, and advised them to come in to their assistance. But, so far were they from joining with them, that most of them sent the letters, which they had received, with the bearers of them, to the queen. Every one strove who should be foremost in the tender of his service, and the offer of his purse and person towards reducing the rebels !”

XXXII. 2.

The Treason of Francis Throckmorton.

THE real existence of what is termed, Throckmorton's treason, is very dubious. On the suspicion of being engaged in a conspiracy, to place Mary the queen of Scots on the throne, he was taken into custody. Among his papers were found two lists, which, it was said, he had attempted to convey to the Spanish ambassador ;—one, giving an account of the principal harbours in the kingdom, of their situation, and of the depth of water in each ; the other, containing the names of all the eminent roman-catholics. “ At first,” says Dr. Robertson *, “ Throckmorton boldly avowed his innocence, and declared that the two papers were forged by the queen's ministers in order to intimidate or ensnare him ; and he even endured the rack with the utmost fortitude ; but, being brought a second time to the place of torture, his resolution failed him, and he not only acknowledged that he held a secret corre-

* History of Scotland, book vii.

“ spondence with the queen of Scots, but discovered
 “ a design, that was formed to invade England.
 “ This confession he retracted at his trial, returned
 “ to it once more,” (probably in hopes of pardon),
 “ after sentence was passed upon him ; and retracted
 “ it once more at the place of execution. To us,
 “ in the present age,” continues Dr. Robertson,
 “ who are assisted in forming our opinions of
 “ the matter, by the light which time and history
 “ have brought upon the designs and character of
 “ the princes of Guise,”—(the supposed instigators
 of Throckmorton’s attempts), “ many circumstances
 “ in Throckmorton’s confession, appear to be ex-
 “ tremely remote from truth, and even from pro-
 “ bability.” “ It is strange,” says Carte *, “ that
 “ the jury should find him guilty, upon such an
 “ extorted confession; part whereof,” continues
 the historian, “ was certainly false.”

The general opinion of his innocence was great. To counteract its impression, government caused “ An Account of Francis Throckmorton’s Treason ” to be published. “ But, notwithstanding the vast art,” says Guthrie, “ with which
 “ it was written, it will be very difficult for any
 “ gentleman of the law to discover upon what evi-
 “ dence Throckmorton was convicted, if he takes
 “ from the queen’s council the advantage of his
 “ own confession, when on the rack †.”

* History, vol. iii. p. 586.

† The late lord Auckland, (Principles of Penal Law, 5 ed. p. 106), takes notice of the remarkable circumstances which attended Throckmorton’s trial. “ The confession of Winter,”

XXXII. 3.

Doctor Parry's Project of Assassination.

DOCTOR PARRY's trial is inserted in the first volume of Mr. Hargrave's edition of the State Trials. A note to it states, that "Parry was but of low fortune, and very extravagant;" and that "having committed a great outrage against Mr. Hugh Hare, of the Temple, with an intent to have murdered him at his chambers, he was tried for the same and convicted *."

For his supposed design upon the queen's life, he was tried by a commission, at which lord

says his lordship, "was read against him, and he was told, that, if he should desire it, he should have Winter to justify it to his face; the confession of the duke of Suffolk, who had been executed for the same accusation, was also read against him; the confession of Vaughan, then under sentence of death for the same fact, was received in support of the prosecution; the testimony of Fitzwilliams, offered in favour of the prisoner, was rejected; and the prisoner acknowledged that it was unusual to examine witnesses against the crown; a part of his own confession was read against him; and when he requested that the whole might be read, he was answered, 'that it would be but loss of time, and would make nothing for him.' Lastly, when he desired that an act of parliament might be read, he was answered, that it was not the business of the crown to find books for him; and that the judges were to resolve all doubts in law." These circumstances are produced by lord Auckland to prove his general position,—(p. 195),—that, "in the progress of his trial, the prisoner was, in these times, exposed to such dangers, as left him but little security even in the strictest innocence."

* Strype's Ann. vol. iii. book i. c. 21.

Hunsdon, the governor of Berwick, presided. Parry pleaded guilty to the indictment. Some days before the trial took place, he delivered a written confession of the crime, with which he was charged, and the circumstances with which, by his account, it was attended : this confession was read at his trial.

It appears by it, that Parry was a protestant, and employed by the ministers of the queen to discover the plots, said to be at this time carried on against her, in foreign parts ; and that his exertions had been repaid by rewards and promises. Afterwards, he professed himself a true convert to the catholic religion, and was received into the catholic church. According to his representation, the accounts of the sufferings of the English catholics had greatly affected him, and determined him to put an end to them by assassinating the queen. With this view, he procured himself to be introduced to several persons of consideration. In his confession, he states, that his design was approved generally by Thomas Morgan, an active roman-catholic, then residing on the continent, and, more explicitly, by Neville, afterwards created, lord Latimer, a relation of Cecil, and who took an active part in bringing Parry to trial : but that Watts, whom he terms " a learned priest, plainly denounced it unlawful ; " with whom," he says, " many English priests did " agree ; " that other persons, however, both eminent in rank, and distinguished by character, approved it. He declared that he had communicated his project to the pope, to cardinal Como,

and to others. These, he said, commended the design, and encouraged it: but no proof of any kind, either of their approbation of the project of assassination, or even of their being acquainted with it, was adduced by him; neither did he so much as refer to the slightest evidence of either. On the contrary, a letter to him, from cardinal Como,—the single document which he brought forward,—mentions only in general terms, “the good disposition and resolution which he had towards the service and benefit of the public:”—an expression which the pope or cardinal would naturally use to any person, who appeared to commiserate the sufferings of the catholics, and who professed a general intention to exert himself for their relief. It is also remarkable*, that, when Parry was charged with cardinal Como’s letter by Mr. Topcliffe†, (a person employed in those days

* Strype’s Memorials, vol. iii. p. 250.

† We beg leave to present the reader with a letter written by this illustrious person.

In her royal progress through the counties of Norfolk and Suffolk, in 1578, queen Elizabeth was entertained by Edward Rookwood, esq. a catholic gentleman, at his seat at Euston Hall, in Suffolk. He was a descendant of the ancient family of the Rookwoods, of Coldham, in the same county, so respectably represented at this period by Mr. Robert Gage Rookwood. Mr. Edward Rookwood was remarkable for his loyalty. With other catholic gentlemen of his county, he signed a protestation of loyalty, and a declaration against the pope’s deposing power. Her majesty was received by him with great hospitality: we shall state the result, in Mr. Topcliffe’s own language, in the letter we have mentioned. It was written by him to George earl of Shrewsbury, and is preserved among

in discovering and prosecuting catholics), and Topcliffe asserted, that, "therein he had promised to

the Talbot papers in the college of arms; and inserted by Mr. Lodge in his Illustration of British History.

"The next good news, (but, in account, the highest),—her majesty hath served God with great zeal and comfortable example; for by her counsaile two notorious papists, young Rookwoode, (the master of Euston Hall, where her majesty did lye upon Sunday now a fortnight), and one Downes, a gentleman, were both commytted; the one, to the towne preson at Norwyche, the other, to the countree preson there, for obstynet papysterie: and vii more gent: of worship, were commytted to severall houses in Norwich, as presenors: two of the Lovells, another Downes, one Bedingfield, one Pary, and two others, not worth memory, for badness of bellye. This Rookwoode is a papist of kynde newly crept out of his late wardship. Her majesty, by some means, I know not, was lodged at his house, Euston, farre unmeet for her hyghness, but better for the blackegarde. (Nevertheless the gentleman brought into her ma: presence by lyke device.) Her excellent ma: gave to Rookwoode ordinary thanks for his badd house, and her fayre hand to kysse, after which it was braved at. But my lord chamberlayn, nobely and gravely, understandinge that Rookwoode was excommunicated for papestrie, cawled him before him, demanded of him, how he durst presume to enter her real presence? He, unfit to accompany any chrystien person, forthwith sayd, he was fitter for a payre of stocks, commanded him out of the coorte, and yet to attend her counsell's pleasure; and at Norwych he was commytted: and to dissyfer the gent: to the full, a piece of plate being missed in the coort, and searched for in his hay house; in the hay ricke, such an immayge of our lady was there found, as for greatness, for gayness, and workmanship, I did never see a match. And, after a sort of countree dance, ended in her majesty's sight, the idol was set behind the people, who avoyded. She rather seemed a beast raised upon a sudden from hell, byconjewing,

“destroy her majesty, and was, from the cardinal, “as from the pope, animated thereto,” he exclaimed, “Mr. Topcliffe, you clean mistake the matter! I deny any such matters to be in the letter; and I wish it might be truly examined and considered of.”

After reading the confession, the commissioners proceeded to pass sentence. Parry then pleaded, that “his confession was extorted from him by dread of the torture.” He cried out in a furious manner, that “he never meant to kill the queen,” and that “he would lay his blood upon her and his judges before God and the world.” Even after sentence was passed on him, he summoned the queen to answer for his blood before God.

What then is the evidence of the plot?—Parry

“than the picture for whom it had been so often and long abused. Her majesty commanded it to the fyre; which, in her sight, by the countree folks, was quickly done, to the content and unspeakable joy of every one; but some one or two, who had sucked of the idol’s poysoned milk: shortly after, a great sort of good preachers, who hadde been long commanded to silence, for a little niceness, were lycenced, and again commanded to preach. A greater and more universal joy to the countree, and the most of the court, than the disgrace of the papists. And the gentlemen of those parts being great and noble, protests, (almost before by pollycye, discredyted and disgraced,) were greatly countenanced.”

This Edward Rookwood, being a popish recusant convict, compounded for his estates in a considerable sum of money; and, it is believed, died in the gaol of Bury St. Edmunds; the following entry of burial appearing in the register of St. James’s parish there: “Mr. Rookwood from the jayle, bur. June 14th “1598.”

on whose single testimony it rests, had been found guilty of an attempt to murder; he was a spy; and false to the party that employed him. He must have acted villainously, either when he made, or when he retracted his confession. In support of it, no one collateral circumstance of proof was adduced.

Surely, at the tribunal of history, such evidence, particularly when it is brought to criminate individuals of rank and character, and a numerous and honourable portion of a respectable community, should not be received.

His confession is composed with great art. The reader may compare it with the language which the celebrated Blood, when he was seized for an assault on the duke of Ormond, held at his interview with Charles the second; and which saved his life. The same, perhaps, was the real aim of Parry's confession.

When there are a confession and a subsequent retractation, each necessarily neutralizes the other, unless ulterior evidence is produced, which preserves to one its activity. In the present case, some argument in favour of the retractation may be thought to arise from the fear of the rack, under which the confession was given; and from Parry's having often repeated his retractation, and finally adhered to it while he stood on the brink of eternity.

XXXII. 4.

Somerville's Plot.

WITH respect to the plot of which Somerville was accused, both Camden and Echard, as they are cited by the reverend Mr. Potts, the able and judicious author of "The Inquiry into the Moral " and Political Tendency of the Catholic Religion," insinuate, that it was the invention of lord Leicester, and that this was commonly believed. The French ambassador at the court of Elizabeth mentions, in one of his dispatches, the imprisonment of Somerville for a conspiracy against the queen, and the circumstance of his having procured a dispensation from the pope to murder Elizabeth. He treats it as a fiction, devised for the purpose of inflaming the prejudices of the people against the pope and the English papists*.

XXXII. 5.

Babington's Plot.

THAT Babington, and about thirteen other catholic gentlemen, conspired to rescue queen Mary and to assassinate queen Elizabeth, as a measure necessary for effectuating the rescue, every catholic admits. Every catholic also acknowledges that it was a crime of the blackest dye. But, while the

* His letter is among the Pièces Justificatives, in mademoiselle Keralio's fifth volume of her *Histoire d'Elizabeth Reine d'Angleterre*.

catholics acknowledge the crime of the guilty, and the justice of their punishment, they also insist, that the imputation of guilt should be confined to those, who were involved in it, and that nothing can be more unjust than to charge it on the community. For the general body of the catholics took no part whatsoever in Babington's attempt; and their clergy were so far from approving the treasonable attempt, that they addressed a letter to the catholics, in which they dissuaded them from disturbing the peace of the country, and employing force against the enemies of their religion*.

At the time of the trial of Mary, the unfortunate queen of Scots, strong suspicions were entertained that Babington's conspiracy, though not actually contrived, was artfully fomented and regulated by

* "Was any jesuit," father Persons asks, "actor, counsellor, consenting, or privy to Babington's conspiracy? If that blessed man, whom they insinuate, (now a martyr), did go about to mitigate the matter to her majesty, (they being all catholic gentlemen that died for the same,) and did also signify, that Mr. Walsingham had, for divers months, the knowledge and notice of that association, as it is most certainly known that he did, by the confession of divers that dealt with him therein, and thereby also most probable that the poor gentlemen were drawn thereunto by his malice and craft, what is this, we say, to prove that any jesuits were any dealers, attempters, or counsellors thereof? Was there any jesuit so much as named in all the process against them, at the bar or otherwise. Were not D. Allen, and F. Persons, F. Holt, and F. Creswell, all at Rome or at Naples at that time, and no one jesuit remaining either in France or Flanders to treat with any in that affair?" (Manifestation, p. 43.)

Cecil and Walsingham, with a view to involve Mary in its guilt, and to accomplish, by that means, her ruin. The recent discussions of Mary's alleged criminality by Mr. Goodall, Mr. Tytler, Dr. Gilbert Stuart, Mr. archdeacon Whitaker, and Mr. Chalmers, seem to render this highly probable; and the light in which an ingenious writer, M. d'Iarneli, in his "Curiosities of Literature," has lately placed the characters of Babington and his associates, adds, to the probability of the hypothesis.

XXXII. 7.

The Result:—Act of the twenty-seventh year of the reign of queen Elizabeth.

SUCH, then, are the plots against queen Elizabeth, with which the catholics are charged. Even if all that is said of their supposed guilt were completely true, how very small a proportion of the body would it criminate? Would it be just to implicate the universal body of the catholics,—consisting, at that time, of two-thirds of the whole population of England,—in the crime of twenty or thirty, at the utmost, of its members? Had the number been considerably greater, could it be a matter of just surprise? Would it be allowable to assign any other cause for it than the ordinary feelings and passions of human nature?

They served, however, as a pretence for the severe act of the 27th of Elizabeth: it recites, that "divers persons, called or professed jesuits, semi-

" many priests, and other priests, who had been,
 " and from time to time were made in the parts
 " beyond the seas, by or according to the order
 " and rites of the Romish church, had of late
 " years come in and been sent, and daily did come
 " and were sent, into the realms of England and
 " other the queen's majesty's dominions, of pur-
 " pose, (as it had appeared, as well by sundry
 " of their own examinations and confessions, as by
 " divers other manifest means and proofs), not only
 " to withdraw her highness's subjects from their
 " due obedience to her majesty, but also to stir up
 " and move sedition, rebellion, and open hostility
 " within her highness's realms and dominions,
 " to the great endangering of the safety of her
 " most royal person, and to the utter ruin, desola-
 " tion, and overthrow of the whole realm, if the
 " same should not the sooner, by some good means,
 " be foreseen and prevented :"—It was therefore
 enacted,

1. " That all jesuits, seminary and other priests,
 " ordained since the feast of the nativity of St.
 " John Baptist, in the first year of her majesty's
 " reign, should, within forty days after the end of
 " the then sessions of parliament, depart out of
 " the realm :

2. " That jesuits, seminary or other priests,
 " religious or ecclesiastical persons, ordained or
 " professed since the same time, should not come
 " into or stay in the realm, under pain of being
 " judged and suffering death as in the case of high
 " treason :

3. " That every one who should, after the forty
 " days limited, receive, relieve, comfort, or main-
 " tain any such jesuit, missionary or other priest,
 " knowing him to be such, shall be adjudged a
 " felon, and suffer death without benefit of clergy :

4. " That, if any subject, not being a jesuit,
 " missionary or other priest, brought up in any
 " college of jesuits, or in any seminary in foreign
 " parts, should not, within six months after pro-
 " clamation made in the city of London, return
 " and submit to her majesty and her laws, and
 " take the oath prescribed by the act of the first
 " year of her majesty, or should otherwise return
 " without submission, he should suffer as in the
 " case of high treason :

5. " That if any person should send or give
 " any money or relief to any jesuit, missionary or
 " other priest, or to any college of jesuits, or to any
 " seminary, or to any person in the same, or to any
 " one returned thence without submission, every
 " person so offending should incur the danger and
 " penalty of *præmunire* :

6. " And that every person who, after the forty
 " days, should know of any jesuit, seminary or
 " other priest, that did abide in the realm, and
 " should not discover the same to some justice of
 " the peace, or other higher officers, within twelve
 " days after knowledge, he should be fined and
 " imprisoned at the queen's pleasure."

It is observable that this act must have been
 purposely so worded, as not to comprehend the
 old priests, or queen Mary's priests, as they were

called, as it extended to those only who had been ordained after the feast of St. John Baptist, in the first year of her majesty's reign, and to those who received or maintained the priests so ordained. This was a part of the policy of the queen and her ministers. To avoid the imputation of an excess of severity, they always alleged that they did not meddle with the ancient catholic clergy, or those to whom they administered the rites of religion or religious instruction; and that the whole penal code was levelled against the new priests; and this, not for their religion, but because their principles, (which principles they carefully instilled into all who frequented them), were not only hostile to the protestant religion, but dangerous to her majesty's person, and subversive of her government*.

XXXII. 8.

Remarks on the supposed Participation of Mary of Scotland in the Murder of Lord Darnley, and Babington's Plot.

It was the wish of the writer to obtain a clear view of the controversy on the participation of Mary of Scotland in the murder of lord Darnley, and in Babington's plot, and to state the result to

* See chap. xxxvii. "Samuel Johnson, (I mean the divine) gives an odd justification of these laws, by saying, that the priests are hanged, not as priests, but as traitors.—But, as their being priests was the sole reason for their being traitors, it does not appear that the protestant divine can avail himself of that distinction." Sir Walter Scott's edition of Dryden's work, vol. i. p. 257, n. xiv.

his readers. With this design, he perused all that Hume, Robertson, Laing, Tytler, Whitaker, and Chalmers, have said upon the subject. He then perceived, that, to form a proper judgment on this singularly interesting and singularly perplexed case, an attentive perusal of earlier documents, more numerous and more bulky than his time for literary pursuits allows him to investigate, was absolutely necessary, and that a minute examination of the famous letters, for which his ignorance of the Scottish language absolutely disqualifies him, could not be dispensed with. He therefore abandoned the inquiry,—but having paid considerable attention to the questions, he begs leave to state some circumstances, which appear to him favourable, and some, which appear to him unfavourable, to the cause of the unfortunate queen.

I. *On her participation in the murder of Darnley*, it may be said, in her favour, that, abstractedly from this alleged crime and the circumstances immediately connected with it, her character is uniformly amiable, and generally respectable. She appears to have been good natured, good humoured, and to have desired to see every person around her cheerful and happy. Vindictiveness and cruelty may be said to have been perfectly strangers to her; she possessed great good sense, and firmness of soul; but she was too easily a prey to the artful; too easily confided in professions of attachment, and too willingly indulged in the aspirations of love. —All must confess, that she was surrounded by

designing, unprincipled, and remorseless adversaries, and scarcely had a friend; that her virtues therefore would be obscured, her failings exaggerated.

To Elizabeth, it is impossible to deny great talents, great strength of mind, great intrepidity, and inflexible steadiness of purpose; or not to admit that she was selfish, envious, malicious, and vindictive; that the happiness of others, except so far as she herself was interested in it, was indifferent to her; and that her jealousy of the connubial joys of others, and her prevention of them, when this was in her power, were singularly hateful. Every part of the history of her reign shows, that, to accomplish any object, particularly the ruin of a powerful enemy, there was no wickedness to which she would not resort, no perfidy, no artifice, of which she was not capable, and that, both in England and Scotland, her ministers and subordinate agents co-operated in all her designs, without any compunctious feelings, beyond a regard to their own safety, and became active instruments for carrying them into execution.

It must be added, that throughout the conflict between Mary and Elizabeth, and during more than a century afterwards, the presses both of Scotland and England were wholly at the command of Elizabeth and the favourers of her cause.

This general view of the case raises legitimate prejudices in favour of Mary and against Elizabeth. The former is increased by this circumstance, that, though the whole power both of the

English and the Scottish governments was, at that time, in the possession of Mary's enemies,—and though, immediately after the murder of Darnley, they became masters of the persons of many, who had been actively engaged in the perpetration of that crime, yet none of them criminated Mary; nor is a single authentic fact, of the nature of positive evidence, brought against her.

II. On the other hand,—the marriage of Mary with Bothwell so soon after the murder of Darnley,—particularly on account of the general suspicion of his having contrived and participated in it, and of the two rapid divorces which accompanied it, raise a strong legitimate prejudice against her.

But we must make great allowance for the effect, which the bond of the nobles, recommending this marriage to Mary,—which Hume justly calls a reproach to the nation,—must have had on her mind; and for the extreme need in which she stood of the marital support of a powerful, active, and attached nobleman. Such she expected, and certainly had some reason to expect, in Bothwell.

Two other circumstances may be thought to raise a reasonable prejudice against her.

1. She does not explicitly deny her guilt, either at the time of her execution, or in her letter to Elizabeth. Can this be otherwise accounted for, than by her unwillingness to plunge into eternity with an untruth on her lips? She appears to have died in great sentiments of religion, and consequently with a fear of the eternal fires, which, under this impression, she must have believed would

follow such a solemn, deliberate, and persisted-in untruth. Then what,—it may be asked,—but a consciousness of guilt would have withheld her from proclaiming her innocence in her dying moments?

2. James had much intercourse with Denmark, and upon his marriage with Anne, its princess royal, spent a whole winter at Copenhagen. Now, Bothwell lived in captivity in that city during several years:—but no information favourable to Mary, that can be depended upon, was ever obtained from Denmark.

In answer to the first observation,—it has been said, that it was beneath Mary to deny such a crime:—but, could the denial of it, in terms properly chosen,—and Mary was a great mistress of language,—have really been beneath her, under any circumstances?—Was it so, under the actual circumstances of her case?—Some of these were certainly of a nature to raise reasonable suspicion of her guilt, and therefore placed her on the defensive.

In answer to the second observation,—it has been said, that James, in reality, never did interest himself in the cause of Mary, and very soon after the tragical event took place, made terms with Cecil, and her other adversaries. Of this indifference of James to his mother, and to her good name, there certainly is some evidence;—his communications with Cecil, admit of no doubt*.

* See Stuart's History of Scotland, vol. ii. p. 281. "His," (James's) "opinion is, that it cannot stand with his honour that he be a consentir to tak his mother's lyf, but he is content how strictly she be keepit, and all her own knaivish sarvantis

III. The examinations at York and Westminster, and the famous letters, are subjects which few have time to investigate.

One circumstance is considered by Mr. Laing, in his historical discussion on the murder of Darnley, as highly unfavourable to Mary. In the first instance, she submitted her cause to the decision of Elizabeth: but, no sooner were the letters produced, than on grounds, which that able writer represents as mere pretences, Mary declined her umpirage.

But, even if this was the case,—may it not be excused? nothing can be more kind, respectful, or judicious than the professions of Elizabeth to her captive relation: Mary confided in them: every person must admit this to have been unwise:—such, the bishop of Ross, and such, lord Herries,—her two only friends,—thought it. Such too, after the conference began, Mary herself thought it:—but it was then too late to retract directly the promise of submission. She was therefore driven to the necessity of eluding it in the best manner the case allowed.

It is, however, needless to plead this excuse. From the first to the last, Mary insisted on three things,—that she should be admitted to the presence of Elizabeth,—that she should be confronted

“haingit.” The Master of Gray to Mr. Arch. Douglas, *Murdin*, p. 569.

It is very desirable that searches and inquiries should be made in Denmark for further information respecting Bothwell: they certainly may be favourable to Mary.

with her accusers,—and that the originals of the letters, which formed the principal, if not the sole, proof of her guilt, should be produced to her.

All were denied.—For the denial of the first, Elizabeth could not be justly blamed, if she had not admitted the accusers of Mary into the most confidential communications with herself and her ministers. But no apology yet offered by the apologists of Elizabeth, for her refusal to allow Mary to be confronted with her accusers,—or to have her original letters produced to her,—appears to the writer to be satisfactory.

Some argument in favour of Mary's innocence of the crimes imputed to her, may certainly be drawn from the manner in which she demeaned herself in the last scene of her life. Would such have been her conduct, such her death, if her conscience had reproached her with adultery and murder?

If the writer may state his own impressions on the subject,—these are,—that nothing like satisfactory evidence is brought to prove her participation in the murder of Darnley: that there is some ground to accuse her of yielding too easily to Bothwell;—still, that there is reason to hope that she was rather imprudent than criminal.

In respect to Mary's participation in Babington's conspiracy, the charge brought against her of concurring in the design of assassinating Elizabeth, rests solely on the testimony of her two secretaries, Nau and Curle. Now, by an act of the

5th & 6th year of Edward the sixth*, it was ordained, that no man should be arraigned for treasons. "that then were, or that thereafter should be, except by the testimony of two accusers brought in person before him;" and the same wise and humane provision was adopted in the act of the 1st of the reigning queen. Availing herself of those legislative provisions, Mary required, that Nau and Curle should be confronted with her; affirming, that they never would, to her face, persist in their evidence. Independently of the statutes, the demand was equitable. It was, however, peremptorily refused. In the same manner, she required that every one letter written in her own hand, or bearing her own superscription, should be exhibited; and declared, that, on the production of one such letter, she would instantly acknowledge that the charge against her was sufficiently supported!—but no such original document was produced. It must be added, that three men, whose written testimony was brought to convict Mary on her trial, had been executed a very short time before her trial. Was such a proceeding justifiable or decent? Does it not afford a strong inference in favour of Mary's innocence?

The most dispassionate account of this trial, which the writer has seen, is given by Rapin†.—He concludes it by thirteen questions:—"I do not think it possible," he says, "to vindicate Elizabeth upon each of these queries. We must, therefore, keep to the necessity she was under

* 5 & 6 Ed. VI. c. 11, s. 12. † Hist. ad annum 1586.

* of destroying Mary to save herself, and justify her by the natural law of self-preservation, the "only one which can be pleaded in her favour;"—Remarkable words! We leave the reader to his own conclusion*.

The whole of Mary's defence of herself on her trial is excellent, and seems to bespeak conscious innocence. What a contrast between the latter days of Mary, and the latter days of Elizabeth! between the firmness, the resignation, the pious addresses to heaven of the former,—forgetting her own hard fate, while she comforted her attendants, and the dark dismal silence and sighs of the latter!—The serenity of Mary, in her last moments, every one must wish to possess in his own:—who wishes his last days to be like Elizabeth's?

CHAP. XXXIII.

PERSECUTION OF THE CATHOLICS.

THE sanguinary laws, which have been mentioned, were, with short occasional intermissions, executed against the catholics with extreme rigour:

* We shall only add, that Mary herself condemned the indiscreet zeal and officiousness of some partisans of her cause. On her trial, she acknowledged that she knew that Philip the second professed to have pretensions on the kingdom of England, and that a book in their justification—(probably that intituled Doleman),—had been communicated to her. This book she had disapproved, and had incurred the displeasure of many by disapproving of it.

we shall successively mention, I. The number of those who suffered capitally under them: II. And the inflictions of the torture on many of them: III. Then, as a specimen of the manner in which legal proceedings against the catholics were conducted at this time, we shall present to our readers some account of the trial and execution of father Campian.

XXXIII. 1.

Probable amount of those, who suffered Death in the reign of queen Elizabeth, under the Laws then enacted against the Catholics.

THE total number of these sufferers, is calculated by Dodd, in his Church History *, at one hundred and ninety-one. Further inquiries, by Dr. Milner, increase their number to two hundred and four. Fifteen of these, he says, were condemned for denying the queen's spiritual supremacy; one hundred and twenty-six for the exercise of priestly functions; and the others, for being reconciled to the catholic faith, or aiding or assisting priests. In this list, no priest is included, who was executed for any plot, either real or imaginary, except eleven, who suffered for the pretended plot of Rheims, or Rome; a plot, which, as the same writer justly observes, was so daring a forgery, that even Camden, the eulogising biographer of Elizabeth, allows the sufferers to have been political victims.

Such, then, being the number of the sufferers,

* Vol. i. p. 321, 322, 323, 329.

we must feel some surprise, when we read in Hume's History, that "the severity of death was sparingly exercised against the priests in the reign of queen Elizabeth."

It is observable, that the punishment of treason by the law of England is, that the offender should be drawn to the gallows, hanged by the neck, cut down alive, his entrails taken out, while he is yet alive, and his head then cut off. Against the atrocious circumstances attending this punishment, the humanity of the nation has so far interfered, that the offender has been generally permitted to remain hanging till he is dead: but this mercy was often denied to the catholics, who suffered under these laws. Often, they were cut down alive; in that state ripped open, and their entrails torn out.

Besides the sufferers, whom we have noticed, mention is made in the same work, of ninety catholic priests or laymen, who died in prison, during the same reign; and of one hundred and five others, who were sent into perpetual banishment. "I say nothing," continues the same writer, "of many more, who were whipped, fined, (the fine for recusancy was 20 *l.* a month), or stripped of their property, to the utter ruin of their families. In one night, fifty catholic gentlemen, in the county of Lancaster, were suddenly seized and committed to prison, on account of their non-attendance at church. About the same time, I find an equal number of Yorkshire gentlemen lying prisoners in York castle, on the same

“ account, most of whom perished there. These
 “ were, every week, for a twelvemonth together,
 “ dragged by main force, to hear the established
 “ service performed in the castle chapel.”

Dr. Bridgewater, in a table published at the end of his “ *Concertatio Catholica*,” gives the names of about twelve hundred, who had been deprived of their livings or estates, or had been imprisoned or banished, or been otherwise victims of persecution for their religion, previously to the year 1588; the period, when the persecution of the catholics began to rise to its greatest height; declaring, at the same time, that he was far from having named all; and that he mentioned the names of those only, which had come to his personal knowledge. Many of these died in prison, and some under sentence of death.

XXXIII. 2.

The Torture.*

INCREDIBLE as it may appear to an English reader, it is unquestionably true, that several of

* We extract the following passage from Mr. Barrington's *Observations*, p. 496.

“ Lord Coke, in his 3d Inst. p. 35, mentions that the rack, or *brake*, in the Tower, was brought into England by the duke of Exeter, in the reign of Henry the sixth, and condemns the use of it. *Campian*, a jesuit, was put to the rack in the reign of queen Elizabeth. *Camd. Eliz.* p. 476 :—and in *Collier's Ecclesiastical History*, other instances, during the same reign, are mentioned, particularly the *Francis Throgmorton*, who was eldest son of *John Throgmorton*, justice of

those, who suffered death, and several also who did not suffer capitally, were, previously to their

“ Chester. Vol. ii. p. 591.—Bishop Burnet, likewise, in his
 “ History of the Reformation, takes notice that *Anne Askew*
 “ was tortured at the Tower, in the year 1546, and that the
 “ lord chancellor, throwing off his gown, drew the rack so
 “ severely, that he almost tore her body asunder. Vol. i.
 “ p. 342.—It hath also been suggested to me, by an authority
 “ which I should be proud to mention, that it appears by the
 “ Cecil papers, (published by Murden,) all the duke of
 “ Norfolk’s servants were tortured by order of queen Elizabeth,
 “ and that the same queen threatened Hayward the historian
 “ with the rack. I have been informed, likewise, that there
 “ is at Ashbridge, amongst lord Ellesmere’s papers, directions
 “ from queen Elizabeth to the lord president of the marches,
 “ that torture should be used in some examinations which he
 “ was ordered to take at Ludlow. Ben Jonson, therefore,
 “ alludes to an instance of the rack’s being threatened in his
 “ time: ‘ And like the German lord, when he went out of
 “ Newgate into the cart, took order to have his arms set up,
 “ &c. . . . The judges entertained him most civilly, dis-
 “ coursed with him, *offered him the courtesy of the rack*; but
 “ he confessed,’ &c. P. 694, edit. 1692, amongst his
 “ ‘ Discoveries.’

“ I shall close these additional proofs of the practice of
 “ torturing in England by an extract from Dalrymple’s Me-
 “ morials, to which I was referred by a most learned and
 “ ingenuous friend, to whom I have not only this obligation.

“ After having stated the interrogatories (upon which
 “ Peacham was examined,) this indorsement, in the hand-
 “ writing of Mr. secretary Winwood, follows :

“ ‘ Upon these interrogatories, Peacham this day (Jan. 19,
 “ 1614,) was examined *before torture, in torture, between*
 “ *torture, and after torture*; notwithstanding, nothing could be
 “ drawn from him, he persisting still in his obstinate and
 “ insensible denials, and former answer.’ Dalrymple, Mem.
 “ p. 58.—Torture was used in Scotland so late as the year

trials, inhumanly tortured,—by *the common rack*, by which their limbs were stretched, by levers, to a length too shocking to mention,—beyond the natural measure of their frame;—or *the hoop*, called the scavenger's daughter, on which they were placed, and their bodies bent until the head and the feet met; or by confinement in the *little case*, a hole so small that a person could neither stand, sit, nor lie straight in it; the *iron gauntlet*, a screw that squeezed the hands until the bones were crushed; by *needles* thrust under the nails of the sufferers; or by a *long deprivation of sustenance*.

It adds to the atrocity of these inflictions, that, in several instances, when the sufferers were put to trial, there was no legal proof established; and in some, not even any legal evidence offered to substantiate the offence, of which the party was accused. “It may be almost asserted,” says the late lord Auckland*, that “so late as the whole “sixteenth and part of the seventeenth century, “the first and most essential principles of evidence “were either unknown or totally disregarded. “Depositions of witnesses forthcoming if called, “but not permitted to be confronted with the prisoner; written examinations of accomplices living “and amenable; confessions of convicts lately “hanged for the same offence; hearsays of these “convicts repeated at second hand from others;

“1690, in the case of one Payne, being inflicted by the privy “council. Dalrymple's *Memoirs of Great Britain* part. ii. “p. 128.”

* “*Principles of Penal Law*,” 2 ed. p. 197, 198.

“all these formed so many classes of competent evidence, and were received as such, in the most solemn trials, by very learned judges.—It was a common and very lucrative practice of the sheriffs, to return juries so prejudiced and partial, that, as cardinal Wolsey observed, ‘they would find Abel guilty of the murder of Cain.’ The judge held his office and income at the pleasure of the prosecutor; and was often actuated by an intemperate zeal for the support of the charge; as if his indignation at the offence had stifled all tenderness towards the supposed offender.

“Thus ignorant of the forms and language of the whole process, unassisted by counsel, unsupported by witnesses, discountenanced by the court, and baited by the crown lawyers, the poor bewildered prisoner found an eligible refuge in the dreadful moment of conviction.”

Recourse was had to the torture, in order to supply this want of legal evidence to convict the accused; and at the same time to furnish proofs against others. At the end of Cecil’s Execution of Justice, is usually printed, “A Declaration of the favourable dealing of her majesty’s commissioners, appointed for the examination of certayne traitours; and of tortures unjustly reported to be done upon them for matters of religion.” It first appeared in print in 1583, in black letter; and was comprised in six pages quarto. It admits the use of torture in these cases, and states the grounds on which it was defended. It is inserted

in the second volume of the Harleian Miscellany, printed in 1808*.

* We transcribe from it the following extract :

“ Campian, I say, before the conference had with him by
 “ learned men in the Tower, wherein he was charitably used,
 “ was never so racked, but that he was presently able to walke,
 “ and to write, and did presently write and subscribe all his
 “ confessions, as by the originals thereof may appeare. A
 “ horrible matter is also made of the starving of one Alex-
 “ ander Briant, how he should eat clay out of the walles,
 “ gathered water to drinke from the droppings of houses,
 “ with such other false ostentations of immanitie; where the
 “ trueth is this; that whatsoever Briant suffered in want of
 “ foode, he suffered the same wilfully, and of extreme impudent
 “ obstinacie, against the minde and liking of those that dealt
 “ with him. For certaine traiterous writing being founde
 “ upon him, it was thought conuenient, by conference of
 “ hands, to vnderstand whose writing they were, and there-
 “ upon, he being, in her majesty’s name, commanded to write,
 “ which he coulde very well doe, and being permitted to him
 “ to write what he woulde him selfe, in these termes, that if he
 “ liked not to write one thing, he might write another, or
 “ what he lysted, (which to doe, being charged in her ma-
 “ jestie’s name was his duetie, and to refuse was disloyall and
 “ vndutifull) yet the man woulde by no means be enduced to
 “ write any thing at all. Then was it commanded to his
 “ keeper to give vnto him such meate, drinke, and other
 “ conuenient necessities, as he woulde write for; and to for-
 “ beare to give him any thing, for which he woulde not write.
 “ But Briant, being thereof aduertised, and often moued to
 “ write, persisting so in his curst heart, by almost twodayes and
 “ two nightes, made choise rather to lack foode, than to write
 “ for the sustenance which he might readily have had for
 “ writing, and which he had indede readily and plentifully,
 “ as soon as he wrote. And, as it is sayde of these two, so
 “ is it to be truly sayde of other, with this, that there was a
 “ perpetual care had, and the queene’s seruants, the wardens,

“ whose office and art it is to handle the racke, were euer, by
 “ those that attended the examinations, specially charged to
 “ vse it in as charitable maner, as such a thing might be.

“ Secondly, it is sayde, and likewise offered to be justified,
 “ that neuer any of these seminaries, or such other pretended
 “ catholiques, which at any time in her maiestie's raigne have
 “ been put to the racke, were, vpon the racke, or in other tor-
 “ ture, demanded any question of their supposed conscience;
 “ as, what they belieued, in point of doctrine or faith, as the
 “ masse, transubstantiation, or such like, but only, with what
 “ persons at home, or abroad, touching what plots, practices,
 “ and conferences, they had dealt, about attempts against her
 “ majestie's estate or person? Or to alter the laws of the
 “ realme, for matters of religion, by treason or by force? And
 “ how they were perswaded them selues and did perswade
 “ other, touching the pope's bul, and pretense of authoritie
 “ to depose kinges and princes; and namely, for deprivation
 “ of her majestie, and to discharge subiectes from their alle-
 “ geance?

“ Thirdlie, that none of them have been put to the racke
 “ or torture, no, not for the matters of treason, or partnership
 “ of treason, or such like, but where it was first known, and
 “ evidently probable by former detections, confessions, and
 “ otherwise, that the partie so racked or tortured was gulty,
 “ and did knowe and could deliuer trueth of the things, where-
 “ with he was charged; so as it was first assured that no
 “ innocent was at any time tormented; and the racke was
 “ neuer vsed to wring out confessions at aduenture vpon
 “ vncertainties, in which doing it might be possible, that an
 “ innocent, in that case, might have been racked.

“ Fourthly, that none of them hath bene racked, or tortured,
 “ vnlesse he had first sayde expressly, or amounting to as
 “ much, that he wil not tell the trueth, though the queene com-
 “ maund him. And, if any of them, being examined, did say
 “ he could not tell, or did not remember, if he woulde so
 “ affirme, in such maner as christians among christians are,
 “ belieued, such his answer was accepted, if there were not
 “ apparent euidence to proue that he wilfully sayde vntruely.
 “ But if he sayde that his answer, in deliuering trueth, shoulde

XXXIII. 3.

Trial and Execution of father Campian.

AMONG those, who suffered in the reign of Elizabeth, none attracted so much attention as father Edmund Campian, a jesuit*.

"hurt a catholique, and so be an offence against charitie, which they sayde to be sinne, and that the queene could not command them to sinne, and therefore, howsoever the queene commaunded, they would not tell the trueth, which, they were known to know, or to such effect, they were then put to the torture, or els not.

"Fifthly, that the proceeding to torture was always so slowly, so unwillingly, and with so many preparations of perswasions to spare them selues, and so many means to let them know, that the trueth was by them to be vttered, both in dutie to her maiestie, and in wisdoms for them selues, as whosoever was present at those actions must needs acknowledge in her maiestie's ministers, a full purpose to follow the example of her owne most gracious disposition: whom God long preserve."

* We have a full and authentic account of his trial, sufferings, and death, in the late Dr. Challoner's "Memoirs of "Missionary Priests," and Dr. Bridgwater's "Concertatio," already noticed in the text;—in the "Arraignment of "Edmund Campian, Sherwin, Boagrove, Cotton, Johnson, "Bristow, Kimber, and others, for High Treason, 24 Eliz." first published in the "Phoenix Britannicus," p. 481, and recently inserted in "Cobbett's complete Collection "of State Trials", vol. i. p. 1050. And see "Strype's "Ann. vol. ii. b. i. c. 3, 4, p. 644, 645, 646." The abstract presented in the text, of the trial of father Campian, is taken from the "Arraignment." It shows the manner, in which criminal prosecutions of catholic priests were conducted in the reign of Elizabeth.

On the 15th of July 1581, he was apprehended, in a secret room, in the house of a catholic gentleman. After remaining during two days in the custody of the sheriff of Berkshire, he was conveyed by slow journies to London, on horseback ; his legs fastened under the horse, his arms tied behind him, and a paper placed on his hat, on which, in large capital letters, were written the words " Campian, the seditious jesuit." On the 25th, he was delivered to the lieutenant of the Tower. He was frequently examined before the lord chancellor, or other members of the council, and by commissioners appointed by them. He was required to divulge what houses he had frequented ; by whom he had been relieved ; whom he had reconciled ; when, which way, for what purpose, and by what commission, he had come into the realm ; how, where, and by whom he printed his books. All these questions he declined to answer. In order, therefore, to extort answers from him, he was first laid on the rack, and his limbs stretched a little, to show him, as the executioners termed it, what the rack was. He persisted in his refusal ; —then, for several days successively, the torture was increased ; and, on the two last occasions, he was so cruelly torn and rent, that he expected to expire under the torment. Whilst upon the rack, he called continually upon God ; and prayed fervently for his tormentors, and for those, by whose orders they acted.

On the 12th of November, he and his com

panions were indicted of high treason;—" that, in
" the last March and April, at Rheims in Cham-
" pagne, Rome, and other parts beyond the seas,
" he had conspired the death of her majesty, the
" overthrow of the religion professed in England,
" the subversion of the state; and that, for the
" attempt thereof, they had stirred up strangers to
" invade the realm; moreover, that, on the 8th of
" the May following, they took their journey from
" Rheims towards England, to persuade and se-
" duce the queen's subjects to the Romish religion,
" and obedience to the pope, from their duties and
" allegiance to her highness; and that on the
" 1st of June, they arrived in this country for the
" same purposes."

After the indictment was read:—" I protest to
" God," said Campian, " and his angels, by
" heaven and earth, and before this tribunal,—
" which I pray God may be a mirror of the judg-
" ment to come, that I am not guilty of these trea-
" sons, or any other. To prove these things
" against me is impossible." The prisoners were
then arraigned, and severally pleaded Not Guilty.

On the 20th of November, they were put to the
bar for trial. Six were arraigned with Campian.
Seven were arraigned on the following day. All,
except one, were priests. When, according to
custom, Campian was required to hold up his hand,
" both his arms," writes a person, present at his
trial, " being pitifully benumbed, by his often
" cruel racking before, and having them wrapped

“ in a fur cuff, he was not able to lift his hand so
“ high as the rest did, and was required of him;
“ but one of his companions kissing his hands
“ so abused for the confession of Christ, took off
“ his cuff, and so lifted up his arm as high as he
“ could, and he pleaded Not Guilty, as the rest
“ did.”

The first witness produced by the crown, named Caddy, or Craddock, deposed generally against all the prisoners, that, “ being beyond the seas,
“ he had heard of the holy vow, made between
“ the pope and the English priests, for restoring
“ and establishing religion in England; for which
“ purpose, two hundred priests should come into
“ the realm. The which matter was declared to
“ sir Ralph Shelly, an English knight, and captain
“ to the pope, and that he would conduct an army
“ into England, for the subduing the realm unto the
“ pope, and the destroying of the heretics. Where-
“ to sir Ralph made answer, that he would rather
“ drink poison with Themistocles, than see the
“ overthrow of his country; and added, that he
“ thought the catholics in England would first
“ stand in arms against the pope, before they would
“ join in such an enterprise.”

The reader must be amazed that such evidence could have been offered; evidence, in which nothing could be brought home to the prisoners; and which, if it did prove any thing, proved only the good disposition of the general body of the catholics to the government.

The two next facts, were the allegations of the queen's council, that Campian had conversed with the cardinal of Sicily and the bishop of Ross, upon the bull of Pius the fifth. The particulars of these conversations were not mentioned, nor was the slightest evidence brought to show that they had taken place.

The next fact charged on Campian, was, that he had travelled from Prague to Rome, and held a private conference with Dr. Allen, to withdraw the people from their allegiance. No proof of either of these facts were offered : but Campian candidly admitted his journey ; a conversation with Dr. Allen ; and his mission into this country ; but observed, that the sole object of it was to administer spiritual aid to catholics ; and that cardinal Allen had strictly charged, nay, commanded him, not to meddle with matters of state, or government.

A letter, written by Campian, was then produced, in which he grieved for having mentioned, on the rack, the names of some roman-catholic gentlemen by whom he had been entertained ; but comforted himself with the reflection, that he had never discovered any secrets therein declared.—Campian replied, that “ every priest was bound by vow, under danger of perpetual curse and damnation, never to disclose any offence or infirmity revealed to him in confession.” That, “ in consequence of his priesthood, he was accustomed to be privy to divers mens secrets,—not

“ such as concerned the state or commonwealth,
“ but such as charged the grieved soul and con-
“ science, whereof he had power of absolution.”

The clerk then produced certain oaths, to be ministered to the people, for renouncing obedience to her majesty, and swearing allegiance to the pope ; which papers were said to have been found in houses in which Campian had lurked. It does not, however, appear that any evidence was offered, either respecting the discovery of these papers, or the places in which they were said to have been found. Campian observed that there was no proof that he had any concern in those papers ; that many other persons, besides himself, had frequented the houses in which he was said to have lurked ; so that there was nothing which brought the charge home to himself : as for administering an oath of any kind, he declared that he would not commit an offence so opposite to his profession, for all the substance and treasure in the world.

Finally, came the searching charge :—“ You
“ refuse,” said the counsel for the crown, “ to swear
“ to the oath of supremacy.”—“ I acknowledge,”
answered Campian, “ her highness as my gover-
“ ness and sovereign. I acknowledged before the
“ commissioners, her majesty, both *de facto* et *de*
“ *jure*, to be my queen. I confessed an obedience
“ due to the crown as my temporal head and pri-
“ mate ;—this I said then,—this I say now. As for
“ excommunicating her majesty,—it was exacted
“ of me,—admitting that excommunicating were of
“ effect, and that the pope had sufficient power so

“ to do, whether then I thought myself discharged
“ of my allegiance or not. I said this was a dan-
“ gerous question, and that they, who demanded
“ this, demanded my blood. But I never admitted
“ any such matter,—neither ought I to be wrested
“ with any such suppositions.—Well, since once
“ more it need be answered,—I say generally that
“ these matters are merely spiritual points of doc-
“ trine, and disputable in the schools ;—*no part of*
“ *mine indictment, nor given on evidence*, and unfit
“ to be discussed in the King’s Bench. To con-
“ clude,—they are no matters of fact ; *they be not*
“ *in the trial of the country* ; the jury ought not to
“ take any notice of them.”

The judge then proceeded to the other prisoners. The evidence produced against them was of the same nature with that which was urged against Campian. The jury retired, and after deliberating an hour, found them all guilty.

On the 1st of the following December, Campian was led to execution. He was dragged to it on a hurdle ; his face was often covered with mud, and the people goodnaturedly wiped it off : he ascended the scaffold,—there, he again denied all the treasons of which he had been accused. He was required “ to ask forgiveness of the queen ; ” he meekly answered,—“ wherein have I offended her ? in this “ I am innocent ; this is my last breath ; in this give “ me credit ; I have, and I do pray for her.” Lord Charles Howard asked him, “ for which queen he “ prayed ?—whether for Elizabeth the queen ? ”—Campian replied, “ Yes, for Elizabeth, your queen,

“and my queen*.” He then took his last leave of the spectators, and turning his eyes towards heaven, the cart was drawn away. “His mild death and “sincere protestations of innocence,” says the writer, from whom this account is taken, “moved “the people to such compassion and tears, that the “adversaries of the catholics were glad to excuse “his death.”—Hollingshed † says,—“Campian “had won a marvellous good report to be such a “man as his like was not to be found for life, “learning, or any other quality that might beautify “a man.” “All parties,” says Mr. Chalmers, in his *Biographical Dictionary*, “allow him to have “been a most extraordinary man; of admirable “parts, an eloquent orator, a subtle disputant, an “exact preacher both in Latin and English, and a “man of good temper and address ‡.”

* It is not a little remarkable, that, in a letter addressed by father Campian to his general, cited by More, (p. 69,) he mentions that “the queen, out of her great clemency, wished “to see him, and asked if he acknowledged the royal dignity “and power to be in her?” “I answered,” says Campian, “that I did; and that I venerated her as my queen and lawful sovereign; I declared that obedience was due from me, “and all her subjects, to her. I now declare the same.”—What then must Campian have thought of the anathema, which St. Pius had fulminated against all, who dared to obey her, her admonitions, orders, or laws?

† History, p. 1327.

‡ His printed works are, “*Nector and Ambrosia*,” a tragedy, performed at Vienna before the emperor; “*Rationes decem “oblatis certaminis*,” first printed in 1581, at a private press; “*Nine Articles directed to the lords, in privy council*”; “*The “History of Ireland*,” published by sir James Ware, Dublin, “1633; the original manuscript is at the British Museum:

CHAP. XXXIV.

REASONS ASSIGNED TO JUSTIFY THE JUDICIAL PROCEEDINGS AGAINST THE CATHOLIC PRIESTS.

THE maintenance of the deposing doctrine by the English missionary priests, their deference to the bull of Pius, and the unsatisfactory answers given by some of them to the six questions on the deposing power, were frequently brought forward by the partisans of queen Elizabeth's ministers to vindicate the judicial proceedings mentioned in the preceding chapter : we shall now discuss them.

XXXIV. 1.

The maintenance of the Deposing Doctrine by the Missionary Priests :—and their Deference to the Bull of St. Pius.

It was impossible that the proceedings of Elizabeth should not produce great discontents among the catholics. They were fomented by those, whose aim it was to render the catholics odious, and who, for that purpose, endeavoured to draw the young, the wild, and the unwary, into conspiracies, of which they themselves always kept the thread, and moved the puppets at their pleasure ;—by the leaders of the political parties, into which

“ *Chronologia Universalis* ; ” “ *Conferences in the Tower*,” published by the English divines, 1583, quarto ; “ *Narratio de divortio*,” Ant. 1631 ; “ *Orationes,—Epistolæ variæ,—De Imitatione Rhetoricæ*,” Ant. 1631.”

the nation was then divided, and each of which sought to increase its own strength by attracting the catholics to it;—by the ultra-catholics, who believed the lawfulness of the pope's pretensions to the deposing power;—and particularly by the Spanish monarch, who, to serve his own views, sought, by forming a Spanish party among the English catholics, to put those pretensions into execution. The designs and practices of this monarch, the hollowness of his professions of regard for the catholics, and the ruinous tendency of his endeavours to withdraw them from their allegiance, are the subject of a pamphlet, intituled, “The Estate of the English Fugitives, under the king of Spain, recently republished in the State Papers and Letters of sir Ralph Sadler, edited by Arthur Clifford, esq.*”

In a future part of this work we shall particularly notice this very interesting portion of the history of the English catholics since the reformation: here, we shall content ourselves with transcribing an interesting and fair account given of these different parties by the reverend Charles Plowden, in his Remarks on a book, intituled, *Memoirs of Gregorio Panzani*, 1794, 8vo.

“From all the printed and manuscript memoirs which I have seen, (and I have seen many), it

* Vol. ii. p. 208.—It is also noticed by Strype, Ann. vol. iii. p. 353.—“It was declared by the author,” says Strype, “to be written out of compassion to the English there; and to prevent any more of the catholics in England to leave their own country and to live in Spain.”

“appears,” says the reverend gentleman, “that
“political business formed no part of the education
“of the seminary priests. The bulk of them were
“solely intent on fitting themselves for the painful
“duties of missionaries, and on preparing themselves
“for a life of toil and suffering, which they expected
“and hoped would end in martyrdom. I have seen
“multitudes of letters, written by them, from Eng-
“land, during Elizabeth’s reign : they all breathe
“an exalted spirit of religious zeal ; they describe
“the missionary successes, the piety, the sufferings,
“the executions of priests and laymen ; and fre-
“quently deplore the troubles raised by apostates
“and traitors, and the uneasiness occasioned by
“the appellants priests ; but I have rarely found a
“word relating to public business, or to their own
“principles, wishes, or interests, in the political
“concerns of the nation. This must have been an
“effect of the consummate prudence of Allen and
“Persons, who had forbidden any questions, in
“which the rights or pretences of princes were in-
“volved, to be discussed in the schools, and exer-
“cises of the seminaries. It is however certain,
“that they all considered queen Elizabeth as the
“capital enemy of their religion ; and that as the
“re-establishment of this religion was the ultimate
“end of all their labours and wishes, they deemed
“it an happiness to concur to it by every lawful
“means in their power. I could produce many
“proofs of this disposition of the seminary priests,
“but I have never yet found a syllable, which
“could prove or indicate a plot, or the concurrence

“ of any of them in any plot, against the life or the
 “ sovereignty of the queen ; and it is certain, that
 “ the instructions to them from pope Gregory the
 “ thirteenth, required their civil obedience to the
 “ queen, and their public acknowledgment of her
 “ sovereignty.

“ 2. A few of them had deeper views.—I have
 “ eagerly searched a number of the letters, and
 “ other writings of father Persons, besides several
 “ of Garnett, and of cardinal Allen ; and the amount
 “ of what I have discovered is as follows : they
 “ all considered religion as the first happiness and
 “ concern of man ; and the destruction of it by
 “ Elizabeth as the most unwarrantable abuse of
 “ lawless power. They adhered in speculation to
 “ the universal doctrine* of their own, and of many
 “ preceding ages, which admitted a limited tem-
 “ poral authority in the pope, to be exercised only
 “ for the essential service and interests of religion ;
 “ and of course they never questioned the justice
 “ of those temporal and civil deprivations and for-
 “ feitures, which, during so many ages, had been
 “ connected with the spiritual sentence of excom-
 “ munication. If this was a crime, it attached
 “ equally to all their contemporaries ; and surely

* This, it is necessary to observe, is too largely expressed.
 “ The claim of the popes to the deposing power,” says Dr.
 “ Milner, in his Sixth Letter to a Prebendary, “ has ever been
 “ contested with such pontiffs, in the very zenith of their power,
 “ by catholics of the most orthodox principles, and exemplary
 “ lives.”

“ nothing can be more disingenuous than to main-
“ tain, that our priests, who were condemned and
“ executed merely for their priestly character, did
“ not suffer for their religion ; because some of
“ them did not roundly deny a doctrine, which
“ almost all christendom believed to be true. How-
“ ever sincerely I disapprove of the principle, on
“ which the bulls of Pius the fifth and Sixtus the
“ fifth, against Elizabeth, were grounded, I am not
“ surprised that those bulls were approved by car-
“ dinal Allen and his friends ; and it appears that
“ they would have considered the execution of
“ them, if they had taken effect, as just and lawful.
“ It is also certain, (though I find no traces of it in
“ their letters), that, on account of the invalidity
“ of Anne Boleyn’s marriage, established by sen-
“ tence of the holy see, and by various acts of the
“ legislature, they considered Elizabeth as wrong-
“ fully placed upon the throne, to the injury of
“ the captive queen of Scotland ; from whom they
“ might expect redress for their sufferings, and the
“ re-establishment of their religion, which, of all
“ things, lay nearest their heart. They remem-
“ bered, with bitter recollection, that this religion,
“ the exclusive truth of which was an essential
“ tenet, had been, a few years before, protected
“ from the throne, and revered throughout the ex-
“ tent of the empire. They had witnessed the
“ crimes of three successive reigns, which had
“ plundered the churches, defaced the altars, and
“ murdered or rejected the ministers ; they were

“ now themselves sorely persecuted by the unre-
 “ lenting queen ; and they considered this queen as
 “ an usurper. They held freedom of the catholic
 “ religion to be the most precious of the rights and
 “ dues of mankind, and the obligation of protecting
 “ it to be the first duty of the sovereign. On the
 “ ancient principle above stated, they conceived
 “ the sovereign to be subject to correction from the
 “ head of the church, at least for crimes such as
 “ Elizabeth had committed ; and on these grounds
 “ the execution of the bull of pope Pius, by Philip
 “ the second, would, in their estimation, have been
 “ a deed of eminent justice. They knew that pri-
 “ vate individuals, however injured, might not law-
 “ fully use violence to redress their grievances ;
 “ but war, denounced by the Spanish monarch,
 “ and sanctioned by the sentence of the pope, was
 “ to them at once honourable and lawful. Hence,
 “ a few of the leading catholic exiles conceived
 “ great hopes from the Spanish armament ; and
 “ cardinal Allen even wrote a short treatise, to prove
 “ that the war was just and necessary to restore the
 “ nation to the enjoyment of those essential rights,
 “ of which Elizabeth had forcibly deprived it.
 “ This treatise of the cardinal appears to have been
 “ little known at the time ; and, after the defeat of
 “ the armada, it fell into oblivion. Dodd seems
 “ to deny its existence *. Impartial persons, how-
 “ ever, will not be too hasty in condemning the
 “ venerable author as a traitor to his country, if

* We shall transcribe a great portion of it, in a future part
 of this work.

“ they consider that he was then become, from
“ necessity, a subject of a foreign prince ; and con-
“ ceived himself authorized, by acknowledged au-
“ thority, to declare enmity against her whom he
“ considered as an usurper ; and to whose usurpa-
“ tion he solely attributed all his country’s griev-
“ ances and distresses. Private enmity was foreign
“ from his heart ; and his eminent spirit of religion
“ and honour screens him from every suspicion of
“ secret revenge, or unauthorized hostility.

“ After the failure of the Spanish armada, the
“ utmost political efforts of cardinal Allen, Persons,
“ and their friends, seem to have been directed to
“ procure a catholic successor to the queen ; and
“ there is evidence, from their letters, that, to effect
“ this, they endeavoured to engage the interest of
“ the pope, and other catholic powers. . Persons
“ had laboured ineffectually to secure the education
“ of the Scottish king in the religion of his fore-
“ fathers ; and he had rendered to him useful
“ services, in the hope of attaching his confidence
“ to the catholic friends of his family. Though the
“ queen had closed the mouths of politicians on
“ the question of the succession to her crown, it
“ was judged by many, that there would be several
“ pretenders, besides a powerful party at home, to
“ withhold it from James, whose mother had been
“ executed as a traitor by Elizabeth. When Per-
“ sons despaired of attaching him to the catholic
“ religion, he seems to have wished the exclusion
“ of James ; and, among the possible competitors,
“ to have hoped for success to the pretensions of

“ the infanta of Spain, or the duke of Parma. He
“ repeatedly declares, that he cares not who pos-
“ sesses the throne, provided he be a catholic ;
“ that he leaves that concern to the princes who
“ were interested in it ; and hopes, that they will
“ give their support to that pretender, who, being
“ a catholic, may be most acceptable to the nation,
“ and to surrounding powers. On this principle,
“ Doleman, or the Conference about the Succession,
“ was written, with a view, as a letter of Persons
“ says, to open the eyes of the nation to their main
“ interest, to which the queen’s policy forbid them
“ to attend. This book, commonly attributed to
“ Persons, was the joint production of several :
“ cardinal Allen, and sir Francis Englefield, were
“ probably among the principal compilers ; and in
“ the several letters in which Persons mentions it,
“ he calls it the work of wise and good men ; but
“ he nowhere claims a share of it for himself. This
“ may have been a prudential reserve ; and as I
“ think it probable that he concurred with the
“ others in the composition, I take it to be certain
“ that he admitted and approved the principles and
“ sentiments which the book delivers. In judging
“ the men who professed those sentiments and
“ principles, it would be very unfair to forget that
“ they followed the general maxims of their age,
“ in which our improved theories of government
“ were unknown ; and that they applied their prin-
“ ciples to an approaching and doubtful event, in
“ which they were highly interested, and on which

“no superior authority had yet laid down a law,
“that commanded universal submission.”

3. This is a sketch by the hand of a master:—a more candid account of the inoffensive conduct of the general body of the catholics of England, in respect to the bull of St. Pius the fifth; or of the deplorable activity of a few, in recommending the principles upon which it was framed, and promoting the measures which it suggested, cannot be given. It shows that several clergymen, and the general body of the laity, disapproved of both. This is also shown by several publications, which appeared in the reigns of Elizabeth, and of her immediate successor; and by the admissions of Camden, her historiographer. From these it is evident, that the catholics, in general, wished to confine the pope to the spiritual government, which St. Peter received from Christ, and blamed those who ascribed to the successors of that apostle, a right to interfere in temporal concerns, or to enforce their spiritual authority by temporal power. Several too, who acquiesced in the bull, thought it unwise to circulate it; deprecated its being put into activity; and lamented the interference of cardinal Allen, and of father Persons, in seconding the views of Philip the second, and disturbing the succession.

Soon after the accession of the queen, the following query* had been framed,—“Whether queen

* “Caron’s Remonstrantia Hibernorum contra Lovanienses
“ultramontanasque censuras,” c. 5, s. 4.

“ Elizabeth was divested of the kingdoms by the
 “ deposing bull of Pius the fifth ? or by any other
 “ sentence passed or to be passed ? or her subjects
 “ discharged from their allegiance ? ” — To this
 question the following answer was given : “ Not-
 “ withstanding this bull, or any other declaration
 “ or sentence of the pope, passed or to be passed,
 “ we hold queen Elizabeth to be the lawful queen
 “ of England and Ireland ; and that obedience and
 “ fealty are due to her as such, by all her English
 “ and Irish subjects.

(signed) “ Richard Watson,
 “ John Fecknam,
 “ Henry Cole,
 “ J. Harpsfield,
 “ N. Harpsfield.”

Burleigh, in his Execution of Justice, says, that Heath, archbishop of York, and the bishops Poole, Tunstall, White, Oglethorpe, Thurlby, Turberville, and many abbots and deans, acknowledged the same opinion.

Father Caron also mentions, that the Apology for the Catholics, printed at Douay, and presented to James the first, 1604, declared, that “ those prelates held themselves to be ready for the defence
 “ of the queen, to expose and oppose themselves,
 “ with all their strength, to any external power,
 “ whether of the pope, or procured by the pope.”

Cardinal Allen himself, as we are informed by Pattenson*, “ disapproved of the excommunication,
 “ and wished the matter had been left to God : ”

* Image of Churches, p. 503.

but, at a subsequent period, he too easily yielded his better reason to authority.

XXXIV. 2.

Unsatisfactory Answers of the Priests to the Six Questions on the Deposing Power of the Pope, proposed to them by the Queen's Commissioners:—Division of Opinions of the Clergy on this subject.

THE writer has now before him, "A briefe Historie of the glorious Martyrdom of twelve reverend Priests, executed within these twelve months, for the confession and defence of the catholic faith, but under the false pretence of treason, with a note of sundry things that befell them in their life and imprisonment, with a preface, declaring their innocence, set forth by such as were conversant with them in their life, and present at their arraignment. 8vo. 1582."—The twelve priests who suffered, were, Mr. Everard Haunse, who was executed on the 31st day of July 1581; father Edmund Campian, a short account of whose trial we have given; Mr. Ralph Shirwin, and Mr. Alexander Bryan, who were executed on the 1st of December 1581;—Mr. Thomas Forde, Mr. John Shert, and Mr. Johnson, who were executed on the 28th day of May 1582; Mr. William Filbee, Mr. Luke Kerbie, and Mr. Lawrence Richardson, alias Johnson, and Mr. Thomas Cottom, who were executed on the 30th of the same month;—and Mr. John Paine, who was executed on the 2d day of April 1582. After trial, they underwent a

private examination. The persons who presided at it, were Popham, the queen's attorney-general, and Egerton, the queen's solicitor-general, and two civilians, Dr. Lewis and Dr. Hammond :

They put the six following questions to the prisoners :

“ 13th May 1582.

“ 1. Whether the bull of Pius quintus against the queene's maiestie, be a lawful sentence ; and ought to be obeyed by the subiects of England ?

“ 2. Whether the queene's maiestie be a lawful queene ; and ought to be obeyed by the subiects of England, notwithstanding the bul of Pius quintus, or any bul or sentence that the pope hath pronounced, or may pronounce, against her maiestie ?

“ 3. Whether the pope have, or had power to authorize the earles of Northumberlande, and Westmorland, and other her maiestie's subjects, to rebell, or take armes against her maiestie, or to authorize doctour Saunders, or others, to inuade Irelande, or any other her dominions, and to beare armes against her ; and whether they did therein lawfully, or no ?

“ 4. Whether the pope have power to discharge any of her highness' subjects, or the subiects of any christian prince, from their allegiance, or othe of obedience, to her maiestie, or to their prince for any cause ?

“ 5. Whether the said doctour Saunders, in his booke of the Visible Monarchie of the Church, and doctour Bristowe, in his booke of Motives, (writing in allowance, commendation, and con-

“firmation of the said bul of Pius quintus), have
 “therein taught, testified, or maintained a truth
 “or falsehood?

“6. If the pope doe by his bull, or sentence,
 “pronounce her maiesty to be deprived; and no
 “lawfull queene, and her subiects to be discharged
 “of their allegiance, and obedience, unto her;
 “and after the pope, or any other by his appoint-
 “ment and authoritie, do invade this realme,
 “which part would you take; or which part ought
 “a good subject of England to take?”

In the work, which we have noticed, mention is made of an account, published by government, of these questions, and the answers of each of the twelve priests; and these are stated in it to be preceded by a preface. After much fruitless search, the author found this publication in the library of the British Museum: it is unquestionably an important document: he therefore inserts it in the Appendix, for the perusal of his readers*.

It should be observed, that the works of Dr. Britowe and Dr. Saunders, to which the questions refer, were strongly condemned by the catholics in general, on account of the extreme length, to which they carried the ultramontane principles respecting the temporal power of the pope, and particularly on account of their advocacy of the justice of the bull of St. Pius. Cardinal Allen, in his Reply to Burleigh's Execution of Justice, (ch. iv.) mentions, that, “both those works had given general offence
 “to the catholics, who wished nothing had been
 “published on those lofty and delicate subjects;

* See Appendix, Note V.

“ and that the whole had been left to the higher powers, or rather to the judgment of God.” He says, that “ Bristowe had omitted the offensive passages in the second edition of his work, and that Saunders had suppressed a work, which he composed in defence of the bull.”

Mr. Hart's answer particularly justifies this observation. It shows, that, notwithstanding the bull of St. Pius, the condemned priests acknowledged Elizabeth to be, in the actual state of things, their lawful queen, though they refused going the length of declaring an opinion, upon oath, that there was not a possible case, in which a sovereign might not be lawfully deposed by the pope. “ Her majestie,” says John Hart, “ is lawful queen, and ought to be obeyed, notwithstanding the bull supposed to be published by Pius the fifth. But, whether she ought to be obeyed, and taken for lawful queen, notwithstanding *any* bull or sentence the pope *can* give,—this,” he says, “ he cannot answer.” Consonant with this answer of John Hart, are the dying declarations of all the priests who were executed : though they refused to disclaim the pope's deposing power, in the unlimited and unqualified extent, expressed in the six questions, they explicitly acknowledged Elizabeth to be their true and lawful queen.

The reader will see, that Mr. Rishton, Mr. Orton, and Mr. Bosgrave, the two first, secular priests, the third, a jesuit,—explicitly denied, in their answers, the pope's deposing power : all three were pardoned. In a manuscript letter of cardinal Allen,

(for the perusal of which the writer is indebted to the reverend John Kirk, the catholic pastor at Lichfield,) his eminence gives a Latin translation of the six questions, and the opinions of father Maldonatus and father Emmanuel, approving of the conduct of those who denied the deposing power of the pope. The cardinal says expressly, that "the priests, who answered according to the intention and will of the queen, were to be absolved from death, though they professed the catholic religion on the rest." He appears also to intimate, that both Orton and Bosgrave were dissatisfied with their answers, and complained that they were not faithfully transcribed. Bosgrave afterwards retracted his answer, in a letter which he addressed to the warden of the Tower, and desired him to convey it to the lords of the privy council, and to circulate it among his fellow prisoners *. Father Persons, also, in a publication † which we must necessarily mention in a future page, notices the six questions and the answers to them. "The queen," he says, "appointed four commissioners, not a bit better than herself, to propose to the condemned priests certain captious questions on the pope's deposing power." He states the result, and mentions that, from that time, it became and had till then continued a custom, to question the priests and other catholics, whom they apprehended, what they would do or counsel,

* R. P. Eudæmon Joannis, Cydonii, e soc. Jesu, *Responsio ad Epistolam Isaaci Casauboni*. Col. Agr. 1612.

† *Philopater*, sect. 282.—See *postea*, c. xxvi. s. 4.

on the advance of an army to restore the catholic religion: the same question was, he says, put to women and children. He then supposes two cases, —“ should a catholic sovereign inquire of any of
“ his most intimate subjects, what they would do
“ if he should forsake the catholic religion and
“ attempt to establish the Lutheran or Calvinistic
“ creed by arms, what part they would take?
“ would their answers be similar to the modest and
“ respectful answers of the priests? But should
“ Elizabeth call to her the leading men among her
“ protestant and calvinistic subjects, and having
“ announced to them her resolution to return to
“ the catholic faith and enforce it by arms; what
“ answers from them would she receive? would
“ these resemble the mild and gentle answers of
“ the priests?”

These, it must be admitted, were searching questions.

The pardon of the three priests who answered the six questions satisfactorily, seems to show that a general and explicit disclaimer, by the English catholics, in the reign of queen Elizabeth, of the pope's deposing power, would have both lessened and abridged the term of their sufferings.

That the replies made by the priests to the six questions were unsatisfactory, is too clear. They are either refusals to answer, or evasive answers, or such answers as expressed their belief of the deposing doctrine, or at least a hesitation of opinion respecting it.

We may add, that among the six questions, there is not one, which the catholics of the present times

have not fully and unexceptionably answered, in the oaths which they have taken, in compliance with the acts of the 18th, 31st, and 33d years of the reign of his late majesty.

The unsatisfactory tenor of the answers of the priests was lamented by several catholics. Among these, Mr. John Bishop, "an hearty papist," says Collier*, "particularly distinguished himself." "He wrote," says the same historian, "against these high-fliers of the court of Rome; made it plainly appear that the canon of the council of Lateran, from absolving subjects from their allegiance, was plainly a forgery.—That this authority was nothing more than the doctrine of pope Innocent the third; and that 'twas never received in England."—The "Important Considerations," and "Decachordon," of Mr. Watson,—which, in other respects, are very reprehensible,—abundantly show this division of opinion; and that in the reign of Elizabeth, several priests, and the bulk of the laity, would have answered the six questions with the same candour and integrity of principle, as all the present catholic clergymen and laity of England would now answer them, and have, in effect, answered them.

However unfortunate or provoking we may consider the answers of the seven priests, they did not convict them of disloyalty in the opinion of Elizabeth. "The queen herself," says Gauden, "generally disbelieved their guilt; and did not consent to the trial of Campian, and his companions, till she was brought by her ministers

* Ecclesiastical History, vol. ii. p. 574.

“ to think that the sacrifice of them was necessary
 “ to quiet the ferment, to which the report of her
 “ intended marriage with the duke of Anjou had
 “ given occasion.”

After all,—every reader of these pages must admit, that a steady adherence, from conscientious motives, to principles however erroneous, in the face of torments and death, is always entitled to respect. Now, to whom, more than these venerable sufferers, can this respect be due? Aware of the dungeons, the racks, and the fatal rood, to which unsatisfactory answers to the questions then proposed, would probably lead; still,—rather, than express an acquiescence in a doctrine, which,—let it be supposed erroneously, but certainly conscientiously,—they believed to be untrue, or rather believed to be doubtful, they risked death itself in its most hideous form. To whom can the noble description, given by the pagan poet, of unshaken constancy under the severest trials,—

——— *Ambiguae si quando vocabere testis,
 Incertaeque rei,—Phalaris licet imperet, ut sis
 Falsus, et admoto dictet perjuriam tauro;—
 Summum crede nefas, animam preferre pudori
 Et propter vitam, vivendi perdere causas,*

JUVENAL,

be more justly applied?

A P P E N D I X.

NOTE I; referred to in p. 5.

Historical Minutes respecting the Spiritual Supremacy of the Pope.

IT is considered by catholics, that a strong argument for the *right of the pope to a supremacy of rank and jurisdiction, in the spiritual concerns of the church of Christ*, may be brought from the acknowledgment of it, by the christian world, in every age, from the commencement of the reformation, upwards, to the earliest era of christianity : and that this acknowledgment may be shown by the mention of a small number of historical facts.

I.

With the exception of the schismatics of the Greek church, the sects in the East, a few Waldenses in Lucerne, a few Hussites in Bohemia, and a few obscure Paulicians, the whole christian world, *at the beginning of the sixteenth century*, acknowledged the supremacy of the pope. Luther himself, in 1518, “prostrated himself at the feet of his holiness, resigned himself to him, for his absolution or condemnation, and professed to receive his decision, as he should the word of Jesus Christ himself.” Ed. Jen. tom. i. p. 58. In 1519, he declared, that “it never had been his design either to attack the pope or the church of Rome; that the church of Rome was superior over all; that, except Jesus Christ himself, there was nothing, in heaven or earth, that could be preferred to her.” Tom. i. p. 144,

II.

From this time,—advancing upwards to the commencement of the christian era, the first event of importance, on which we alight, is *the council of Florence*. It was there defined, “that full power was delegated “to the bishop of Rome, in the person of St. Peter, to “feed, regulate, and govern the universal church, as “expressed in the general councils and the holy canons.”
Sess. 10.

III.

The object of the council of Florence was to re-unite the Greek and Latin churches: This leads us to *the schism*, which separated them. All persons, conversant in ecclesiastical history, know, that the schism had its origin in the deposition of St. Ignatius, the patriarch of Constantinople, and the election of Photius in his place. As soon as Photius was elected, he himself sent his four metropolitans to Rome, to inform the pope of the deposition of St. Ignatius, and of his own election, and to solicit the pope's confirmation of his election. Now, if the pope had not an acknowledged supremacy of jurisdiction, in the general opinion of the eastern empire, this deputation to Rome could have answered no purpose, and never would have been thought of. The pope's answer to it is expressed, in the general style of admitted and undisputed authority. He addressed a letter, to all the faithful of the east; and particularly addressed himself to the patriarchs of Alexandria, Antioch, and Jerusalem. “You,” says his holiness, “in virtue of my apostolic authority, I order “to think as I do, of the merits of the cause between “Ignatius and Photius, and I enjoin you to have these “letters read, throughout your respective dioceses, that “their contents may be made known to all.” Thus, then, at the commencement of the schism, the supremacy of the pope was as much acknowledged by the Greek as it was by the Latin church.

IV.

If we continue our advances, the next period which engages our attention, is, *the translation of the empire of the west to the Latins*,—the important event which connects ancient and modern Rome. Turning from the part, which the popes took in the temporal causes and effects of that momentous event, their spiritual power was there most fully and unequivocally recognized. The political revolution, which it occasioned, had necessarily a considerable degree of influence on the spiritual concerns of the earth, and given rise to much conscientious doubt. In that state of general scruple and uncertainty, the universal resort was to Rome. The French did not apply to their primate at Lyons, or to the bishop of their metropolis; the Germans to Vienna, the Hungarians to Strigonium, or the Bohemians to Prague. Every prelate of the western church, whose diocese was concerned, in the consequences of the event, applied for instruction to the bishop of Rome, and all followed his instruction.

V.

Advancing higher, we come to the time *when the faith was first preached to the barbarians*.—The preacher was generally sent by the see of Rome. If it happened, that the faith was not originally planted in a country by a particular mission, but was diffused there by the accidents of war or commerce, or by any other circumstance, it always followed, that, as soon as the number of the faithful became considerable, and the church acquired a consistency, the see of Rome invested proper persons with powers to confirm her in her faith, to establish her hierarchy, and settle her discipline.

We are struck at the grandeur of pagan Rome, when we read of her highways, which, issuing from the forum,

traversed Italy, pervaded the provinces, and were only terminated by the frontiers of the empire. Far beyond those, the successor of St. Peter sent, from christian Rome, the beautiful feet of those, who preached the gospel of peace, and carried faith to the nations of the earth.

Sedes Roma patri, quæ pastoralis honoris
Facta caput mundo, quidquid non possidet armis,
Religione tenet.

ST. PROSPER.

VI.

Pursuing the inquiry, we come to the *four first general councils*.

1. *At the fourth and last of them*,—the council of Chalcedon, held in 451,—the fathers addressed St. Leo the great, “as the archbishop of all churches, as the “head, as the person to whom the care of Christ’s “vineyard was committed.” They sent the proceedings of the council to him for his confirmation, *Et Beatus*.

2. *At the third of them*,—the council of Ephesus, held in 401,—the assembled fathers condemned Nestorius, and sent to the pope an account of their proceedings. They tell him, that “they were forced to that “melancholy step, by the canons and by the letters of “their holy father, Celestine, the bishop of Rome.” On receiving pope Celestine’s letters, they exclaimed “the “sentence is just! the synod returns thanks to Celestine, the guardian of the faith!” One of the legates, in his address to the council, says, “that, in every age, it “had been known, that St. Peter, to whom Celestine “was in succession, was the prince and chief of the “apostles, the pillar and the foundation of the church.”

3. Before the opening of *the second general council*,—held at Constantinople in 381,—the emperor Theodosius, and the principal ecclesiastical dignitaries of the eastern church, sent an embassy to Rome, to pope

Damasus, with orders to take his directions on what should be done, and to follow them. In their condemnation of Macedonius, they used the pope's expressions. A notion prevailing that the council exceeded the limits of its authority, the pope examined their proceedings, and in some instances confirmed, in others annulled, them. That the council might be attended by the prelates of the eastern church, the pope summoned the fathers assembled at Constantinople to Rome. In their answer, "they call themselves his members; they wish for the wings of a dove to fly to him, and repose on his bosom;"—but they represented to him, "that so long an absence might be dangerous to their churches." In his reply he compliments them, "on the respect which they show to the holy see, and informs them that Timotheus, a disciple of Apollinaris, whom they had petitioned his holiness to depose from his see, had been deposed." Now, except on account of his superior jurisdiction, they never could have made this application to his holiness.

At the first of the four general councils,—held at Nice in 325,—St. Silvester presided by his legates.

VII.

This brings us to *the third century*: public events in some measure forsaking us, in this place, we must refer to the writings of individuals, and of these a very small number has reached us.

1. In *the third century*, St. Cyprian, Ep. 3. ed. Bas. p. 14, complains of certain schismatic bishops in Africa, "who sailed towards the chair of St. Peter, the principal church from whom the unity of the church arises." He calls the church of Rome "the mother and root of the catholic churches." P. 135. He says, "there is but one God, one Christ, one church, and one chair, founded on St. Peter by the word of God. No

"one can raise any altar or priesthood besides that which is established; he that soweth elsewhere, does he not scatter and throw away?"

2. In *the second century*, we have the celebrated declaration of St. Irenæus, "Ad hanc enim ecclesiam Romanam, propter potiore principalitatem, necesse est omnem convenire ecclesiam."

3. In *the first century*, a division arose in the church of Corinth. Some of the apostles were then living: To those, notwithstanding the exalted rank and high influence, which their apostolic character gave them, the deposed priests did not appeal; their appeal was made to St. Clement, the second successor of St. Peter in the sacred chair; and he confirmed their deposition. The letter addressed by him, on this occasion, to the Corinthians, is still extant. The modesty and humility, with which he expressed himself in it, are edifying, but he insists on the supremacy of the Roman see: "The chief priest," says he, "has his privileges: the priests have their place, and deacons theirs; the laity have their duties." In the language of the two first ages of christianity, the word "priest" was applied generally to bishops and priests; St. Clement, therefore, points at the chief priest as above them all.

VIII.

Thus, *from a regular chain of historical facts, beginning with the earliest moment of the reformation, and ascending upwards, through the council of Florence, the Greek schism, the translation of the western empire to the Latins, the conversion of the barbarians, the four first general councils, and the primitive ages, (the six great epochas of the history of christianity), to the time of Christ himself*, we find the supremacy of the bishop of Rome, both in rank and jurisdiction, an admitted article of christian faith.

IX.

We now hear *the Son of God himself* say, "Thou art
 " Peter, and upon this rock I will build my church, and
 " the gates of hell shall not prevail against it. And I
 " will give unto *thee* the keys of the kingdom of heaven :
 " and whatsoever thou shalt bind on earth, shall be
 " bound in heaven, and whatsoever thou shalt loose on
 " earth, shall be loosed in heaven."

NOTE II; referred to in p. 9.

*Answers of the Six Catholic Universities, to the Questions
 proposed by Mr. Pitt.*

LOUVAIN.

QUERIES.

1st. HAS the pope, or cardinals, or any body of men, or any individual of the church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?

2d. Can the pope, or cardinals, or any body of men, or any individual of the church of Rome, absolve or dispense with his majesty's subjects from their oath of allegiance, upon any pretext whatsoever?

3d. Is there any principle in the tenets of the catholic faith, by which catholics are justified in not keeping faith with heretics or other persons differing from them in religious opinions, in any transactions, either of a public or a private nature?

The faculty of divinity at Louvain having been requested to give her opinion upon the questions above stated, does it with readiness; but is struck with astonishment that such questions should, at the end of this

eighteenth century, be proposed to any learned body by inhabitants of a kingdom, that glories in the talents and discernment of its natives.

The faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer *the first and second queries* absolutely in the *negative*.

The faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to show how it is supported by passages in the holy scriptures, or the writings of antiquity; that has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithæuses, Argentre, Widrington, and his majesty king James the first, in his Dissertations against Bellarmin and Du Perron, and by many others. The writers of the present times, who have treated of the independence of the civil power, have proved the above positions with abundance of learning. The faculty esteems the following propositions to be beyond controversy :

I. That God is the author of the sovereign power of the state in civil matters*.

II. That the sovereign power of the state is, in civil matters, subordinate to God alone†.

* *Hear, therefore, O ye kings, and understand; for power is given you of the Lord.* Wisdom of Solomon, vi. 1, 3. The same Omnipotence that constituted an emperor, called into existence the man, ere he ascended the throne; his power and his life he derives from the same divine source. Tertull. Apologet. 130.

† *Against thee, thee only, have I sinned.* Ps. li. 4. Cassiodorus, commenting on this text, says, "Whenever any individual of the community commits an error, he is amenable both to God and the king; but when the king is wanting in his duties, he is responsible to God only, inasmuch as there is no man competent to sit in judgment upon his actions." It is finely observed by Tertullian, on the same place. "Emperors are aware to whom they are indebted for their authority; they know it is God alone who has power over them, and to whom they are second, taking the lead under him."

III. It follows, that the sovereign power of the state is in no wise (not even indirectly, as it is termed) subject to or dependent upon any other power, though it be a spiritual power, or even though it be instituted for eternal salvation.

IV. It also follows, that no power whatsoever, even a spiritual power, or a power instituted for eternal salvation, not even a cardinal or a pope, or the whole body of the church, though assembled in general council, can deprive the sovereign power of the state of its temporal rights, possessions, government, jurisdiction, or pre-eminence, or subject it to any restraints or modifications.

V. It also follows, that no man, nor any assembly of men, however eminent in dignity and power, not even the whole body of the catholic church, though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the sovereign and the people, still less can they absolve or free the subjects from their oath of allegiance.

VI. Therefore, as in the kingdom of England, the sovereign power of the state stands upon the same foundation, and its nature is well known, the faculty of divinity at Louvain has, no doubt, to apply what has been said before, in its utmost extent, to the kingdom, and the sovereign power of the kingdom of England.

Such is the doctrine which the faculty of divinity has imbibed from the holy scriptures, the writings of the ancients, and the records of the primitive church, a doctrine she will maintain with her last breath, and by the help of God, will imprint it on the minds of all her scholars.

She is not ignorant that, in the middle ages, some things were done not reconcileable with the doctrine here laid down; and that the contrary doctrine was favourably heard by the court of Rome, and even found

its way into the councils of kings, with some restriction, however, as appears from the saying of St. Lewis upon the proceedings of the council of Lyons.

But to Bellarmin, the champion of these proceedings, we must answer in his own way: *These things have been done; for their justice, let the doers of them be answerable.* (Vol. i. of his Works of general Controversy, p. 3, b. ii. c. 29.)

And when, in the history of those ages, the sacred faculty of divinity of Louvain finds the evils which have been produced from the circumstances alluded to, the infinite detriment they have been to the church and republic of christianity, and the rivers of blood with which they have more than once coloured the fair face of Europe, she wishes the torch of history extinct, that this disgrace of the christian name might be buried in oblivion. She wishes it erased from the records of history, and would blot out the remembrance of it even with her own tears. But the doctrine of truth, of the apostles, and the church, delivered down by tradition from the fathers and holy prelates, founded in the eternal nature and fitness of things, and established on the positions above-mentioned, though, in the times we speak of, it was defaced and obscured by the filth, as it may be called, which was heaped upon it, yet it could not be obliterated; nothing could injure it, no arts could prescribe against it; hence, on the revival of letters, all its light and splendour were restored to it.

The faculty of divinity of Louvain holds, that the principles laid down by her, upon the positions before stated, are not peculiar to herself: she believes that, at this day, there is no society of learned men, nor any one learned man in the whole catholic world, who would not be ready to subscribe to them, as it is said, with both hands; and should any one, led away by preconceived opinions, withhold his assent from them, she

must think him a man of no learning, unworthy of the name of a learned man, and unacquainted with the rich treasures of ancient literature.

Proceeding to the third question, the said faculty of divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers, that there is not, and that there never has been, among catholics, or in the doctrines of the church of Rome, any law or principle which makes it lawful for catholics to break their faith with heretics or others of a different persuasion from themselves, in matters of religion, either in public or private concerns.

The faculty declares the doctrine of the catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same, and is neither shaken nor diminished, if those with whom the engagement is made hold erroneous opinions in matters of religion.

The said faculty of divines reads in the books of Chronicles, that the wrath of God punished king Zedekiah for breaking the alliance he had made with Nebuchadnezzar, an unbeliever, and in breach of that alliance deserting to the king of Egypt: and the heavy rebuke of God by his prophet for this breach of faith: (Ezekiel xvii.) "Shall he prosper, shall he be safe, that hath done these things; and shall he escape who hath broken his covenant? I live, saith the Lord; and the oath that he hath despised, and the covenant that he hath broken, I will put upon his head, and I will spread my net upon him, and he shall be taken in my snare, and I will bring him to Babylon," &c.

And the said faculty of divines also thinks, that it is unbecoming of them to heap up passages of the ancient writings, to prove what no christian can doubt, and which not even the apostates from the christian faith ever laid to their charge. "They affirmed," (this

is the account which Pliny the younger, in his famous letter to Trajan, gives from those who had sent information to him of the christian religion,) "that the amount of the guilt or error of the christians was, that they used, upon a stated day, to assemble before day-light, to sing praises to Christ as to the Deity, and that by their oath they did not bind themselves to commit any crime, but they bound themselves by it not to commit theft, robbery, or adultery; *not to break their faith*, not to withhold things deposited with them," &c. This, in the year 104 of our æra, they were informed by the church of God, was among the principal points of christian duty, viz. *not to break faith*, although they lived in the midst of persons of a different religion.

The said faculty strongly protests against the imputation, that the catholic church has at any time held a contrary doctrine. This she asserts is a calumny invented, and endeavoured to be forced upon catholics, by the worst of men; who, knowing their charges against catholics were destitute of truth, determined to make falsehood supply its place, and thereby render the catholics odious to princes and nations.

It is not to-day, for the first time, that the faculty of divinity at Louvain protests against this charge. Two centuries ago, when there was great diversity of opinion in religious matters in the inhabitants of the provinces of Flanders, John Molanus, an illustrious member of the faculty of Louvain (every page of whose writings cardinal Baronius wished to be preserved), repelled the charge in his short treatise, *Upon the keeping of Faith with Heretics*, printed at Cologne by Godfrey Kempenson, in the year 1584.

In that work he calls the tenet, that faith is not to be kept with heretics, "a most pernicious evil, and a most impious doctrine ascribed to the catholics, and

“ spread abroad by those men, who, rather than peace
 “ should be made, wished to throw every thing into
 “ confusion, that thus no harmony, no articles of peace,
 “ of equity, or honesty, might be received by persons
 “ differing from them in religious matters.” Against
 these persons, Molanus maintains and defends, “ the
 “ innocence,” to use his own words, “ of the christian
 “ republic.”

In his steps, the said faculty of divines now treads :
 always ready to defend the same cause, and to combat
 the calumnies of its adversaries, she now does it by
 this public writing.

In testimony whereof, to this instrument, authenticated
 by the seal of our university, undersigned by our dean,
 we have ordered the bedell to subscribe his name.

Given at Louvain, in an assembly extraordinary, this
 18th November 1788.

(L. s.) *J. B. De Maziere*, S. T. D.
 and Dean for the time being.

By command of my excellent Lords and Masters,
J. F. Vanoverbeke,
 Bedell of the Sacred Faculty of Divinity.

DOUAY.

*Extracted from the Register of the sacred Faculty of
 Divinity of the university of Douay.*

January 5th, 1789.

AT a meeting of the faculty of divinity of the uni-
 versity of Douay, the dean informed them, that the
 catholics of England were desirous of the opinion of
 the *faculty* upon three questions, the tenor of which was
 as follows :

1. Has the pope, by virtue of any authority, power, or jurisdiction derived to him from God, or have the cardinals, or even the church itself, any civil authority, civil power, or civil jurisdiction whatsoever, in the kingdom of England?

2. Can the pope, the cardinals, or the church herself, absolve or free the subjects of the king of England from their oath of allegiance?

3. Is there any principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, or other persons who differ from them in religious opinions?

These questions first having been privately considered by each professor of divinity, and afterwards having been attentively discussed by the public meeting;

To the first and second of them, the sacred faculty answers, That no power whatsoever, in civil or temporal concerns, was given by the Almighty, either to the pope, the cardinals, or the church herself; and consequently, that kings and sovereigns are not, in temporal concerns, subject, by the ordination of God, to any ecclesiastical power whatsoever; neither can their subjects, by any authority granted to the pope or the church from above, be freed from their obedience, or absolved from their oath of allegiance.

This is the doctrine which the doctors and professors of divinity hold and teach in our schools; and this all the candidates for degrees in divinity maintain in their public theses.

To the third question, the sacred faculty answers, That there is no principle of the catholic faith, by which catholics are justified in not keeping faith with heretics, who differ from them in religious opinions. On the contrary, it is the unanimous doctrine of catholics, that the respect due to the name of God, so called to witness, requires that the oath be inviolably kept, to

whomsoever it is pledged, whether catholic, heretic, or infidel.

Done on the day and in the year above stated, by order of the illustrious lords of the holy faculty.

(signed) *Bacq*, beadle and secretary.

It agrees with the original. Witness my hand,
Bacq, beadle and secretary.

WE, the sheriffs of the town of Douay, and justices of the police, certify to all whom it may concern, that the sieur *Bacq*, who has signed the above deliberation, is beadle, as well as secretary and registrar, to the faculty of holy theology in the university of this town, and that to all acts, so signed by him, credence is to be given in and out of court. In witness whereof, we have caused these presents to be signed by one of the registrars of the said town, and the seal of the said town, where neither stamped paper nor a small seal are in use, to be fixed to them.

The 12th January 1789.

HERBAUT; by order.

*The Answer of the Faculty of the Canon and Civil Law,
in the same university of Douay.*

HAVING seen, and attentively considered the above written questions, and the answers of the sacred faculty of divinity to them, the faculties both of the canon law and of the civil law, declare, that they, without hesitation or doubt, concur in the aforesaid answers of the 5th instant; and that they have always firmly believed, and uniformly taught, that neither the cardinals, nor the pope, nor even the church herself, have any jurisdiction or power, by divine right, over the temporals of kings, sovereigns, or their subjects; and consequently,

that kings and sovereigns are not, in temporal concerns, subject by the ordination of God to any ecclesiastical power whatsoever; nor can their subjects, by any authority granted to the pope or the church, from above, be freed from their obedience, or absolved from their oaths of allegiance.

Further, the doctors of these faculties declare, That an oath implies an obligation of natural and divine right, by which the party is bound to perform the promise contained in his oath, to whomsoever that promise be made, whether he be a catholic, an heretic, or an infidel; and that no person, through pretext of heresy or infidelity in the party to whom the promise is given, can be released from his obligation. The catholic religion, far from admitting any principle by which oaths can be dispensed with, holds such perjuries in abhorrence.

In testimony of which, we have ordered our scribe to sign this instrument. Done at Douay, this 9th of January 1789.

Simon, beadle and secretary.

WE, the sheriffs of the town of Douay, and justices of the police, certify to all whom it may concern, that the sieur Simon, who has signed the above deliberation, is beadle, as well as secretary and registrar, to the faculty of civil and canon law in the university of this town, and that to all acts, so signed by him, credence is to be given in and out of court. In witness whereof, we have caused these presents to be signed by one of the registrars of the said town, and the seal of the said town, where neither stamped paper nor a small seal are in use, to be affixed to them.

The 12th January 1799.

HERBAUT; by order.

PARIS.

*The Answer of the sacred Faculty of Divinity of Paris,
to the Queries proposed by the English Catholics.*

THE dean and faculty of divinity in the university of Paris, to all who shall inspect these presents, send greeting :

Certain queries, the tenor of which is as follows, have been transmitted to us from England, in the name of the catholics living in that kingdom :

The First.—Has the pope, the cardinals, or any body of men, or any other person of the church of Rome, any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence, inherent in, or granted, or by any other means belonging to the pope, or the church of Rome ?

The Second.—Can the pope, the cardinals, or any body of men, or any person of the church of Rome, absolve or release the subjects of the king of England from their oath of allegiance ?

The Third.—Is there any principle in the articles of the catholic faith, by which catholics are justified in breaking faith with heretics, or others, who differ from them in religious opinions ?

They beg us to give our opinion in a solemn instrument upon these questions, that by it they may repel, as well from themselves as from the catholic faith, to which they are inviolably attached, all evil suspicion, as well on those points which relate to the right of the sovereign under whose government they live, as on those which relate to the public faith and peace of England, which, upon no pretence, ought to be disturbed.

Bound to satisfy every person who asks our opinion on doctrinal matters, and never having entertained any doubts upon the points in question, we opine, determine, and judge as follows :

The Answer to the First Quere.

NEITHER the pope, nor the cardinals, nor any body of men, nor any other person of the church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom, and consequently none in the kingdom of England, by reason or virtue of any authority, power, or jurisdiction, or pre-eminence by divine institution, inherent in, or granted, or by any other means belonging to the pope, or the church of Rome.

This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained; and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Among the many proofs of this (to avoid mentioning all of them) we shall state a few instances, which being nearer to our own times, are not liable to objection.

In the year 1626, a censure was published against the following propositions, extracted from the treatise of Santarellus, "De Hæresi et Schismate, et Potestate Summi Pontificis in his Delictis Puniendis."

"The spiritual power of the church, entrusted to its prelates, extends indirectly, even to temporals, to the end that it may conveniently help the faithful to their spiritual end, and supply the defect of the temporal power, if the temporal power should be negligent in the execution of her duty, or abuse her power; which is particularly true with respect to the crime of heresy.

"The pope can inflict temporal punishment on some-

“ reigns for heresy, and deprive them of their kingdoms,
 “ and free their subjects from their obedience.

“ The pope hath both spiritual and temporal power
 “ by divine right.

“ The pope has, at least indirectly, a power over
 “ princes in temporals, inasmuch as temporals may
 “ prove an impediment to their direction of the sheep
 “ of Christ to their supernatural end.

“ The pope has a directory, and consequently a com-
 “ pulsory, power, over princes who do wrong.

“ If, for the common good of the church, wisdom
 “ and sound reason require, that temporal punishment
 “ should be inflicted on disobedient and incorrigible
 “ princes, or even that they should be dethroned, the
 “ pope has a right to punish them in that manner.

“ The apostles were subjected to their sovereigns,
 “ *de facto*, but not *de jure*.”

The sacred faculty of divinity condemned the doctrine contained in these and similar propositions, “ as
 “ new, false, erroneous, contrary to the word of God,
 “ bringing odium on the papal dignity, giving occasion
 “ to schism, derogatory to the sovereign authority of
 “ kings (which depends upon God alone), impeding the
 “ conversion of infidel and heretical kings; as tending
 “ to disturb the public peace, to subvert kingdoms,
 “ states, and republics; to withdraw subjects from
 “ their obedience and subjection, and to excite them to
 “ faction, rebellion, sedition, and the murder of their
 “ sovereigns.”

In this censure, the other faculties of the university of Paris, and several other universities in France, as Toulouse, Valence, Bourdeaux, Poitiers, Caen, and Rheims, concurred with great applause.

The articles laid before Lewis the fourteenth, in 1663, by the sacred faculty, agree with the above censure. By them it is declared, “ that it is the doctrine of the

“ faculty, that the king of France neither acknowledges, nor has in temporals any superior but God ; that this is her ancient doctrine, from which she will never depart. Moreover, that the faculty has already opposed, even those who were of opinion that the pope had, in temporal concerns, even an indirect authority over the king of France.”

And when, in 1682, in the censure hereafter referred to, the sacred faculty expressly observes, “ that the grand principle of their doctrine, (viz. that the sovereign power of kings depends upon God alone, and that no one has any right to interfere in their temporal concerns) has been frequently repeated by them, particularly in their solemn declaration of the year 1663 :”—this sufficiently shows, that in the declaration of 1663, they stated nothing to the king of France, but what they considered as common to him with all other kings.

Thus, in 1682, when Malagola interpreted the power of “ binding and loosing,” which Christ gave to St. Peter and his successors, as relating both to the secular and ecclesiastical power, the sacred faculty declared, that this doctrine resolved itself into the same doctrine which she had before condemned in Santarellus ; she used the very same words, and the very same expressions of censure, which she has used in regard of Santarellus ; she took that occasion to renew her censure of Santarellus, and struck the name of Malagola from the list of candidates for the degree of bachelors.

Of the uniformity of our doctrine upon this head, the celebrated declaration of the French clergy, published in 1682, will be an eternal monument ; the first article of it is as follows ; and it well expresses the genuine sentiments of the faculty :

“ To St. Peter and to his successors, the vicars of Christ, and to the church, power was delegated by

“ God in concerns of a spiritual nature and belonging
 “ to eternal salvation, but not in civil or temporal concerns, as appears by the expressions of our Lord : *My kingdom is not of this world* : and again, *Give therefore unto Caesar those things which are Caesar's, and those which are God's, to God.* On the same ground stands the saying of the apostles, *Let every soul be subjected to the higher powers, for there is no power but from God, for those which are, are ordained from God* : whoever therefore resists power, resists the ordination of God. Kings and princes, therefore, are not, in temporals, subjected by the ordination of God to any ecclesiastical power, either directly or indirectly ; neither by the authority of the keys of the church can they be deposed, or their subjects freed from their faith, obedience, or oath of allegiance ; that this opinion was necessary to public peace, equally useful to the church and state, and agreeable to tradition and the example of the fathers, and should therefore, upon every account, be adhered to.”

Ever since the year 1682, it has been the will of the sacred faculty of Paris that this doctrine should, in the very words of the declaration, be taught in her schools. And it is a law and uninterrupted usage of the faculty, that all the bachelors, before they take their degree of licentiates, should maintain it in their public theses.

Thus, in the course of time, has this doctrine become so completely established with the divines of Paris, that whenever their opinion has been asked upon private concerns, they have never answered otherwise than conformably to it.

In 1680, sixty doctors of the sacred faculty declared it to be their opinion, that the English oath of allegiance, which mentions the independent sovereignty of the kings of England in temporal concerns, might be taken by English catholics with a safe conscience.

Such also was the opinion of sixty of our body, who, in 1775, held that "the *English* catholics might, with "a safe conscience, swear, that the pope had not, by "divine ordination, any kind of temporal right in any "kingdom, particularly naming Ireland."

Thus have we declared our opinion on the first question; an opinion not merely probable, but certain; not variable and unsteady, but constant and perpetual; not suggested by others, but the fruit of our own study; not dictated to us by law, but antecedent to law itself.

Our faculty devotes herself the more religiously to the defence of this doctrine, because she finds it perfectly consonant to the word of God, and the tradition of the fathers.

For there is not in the scripture any mention of any right granted by Christ to ecclesiastical persons, or to the Roman pontiff, who is their head, to interfere in temporal concerns, to dethrone sovereigns, or to place others in their stead. On the contrary, Christ incessantly inculcates, that notwithstanding the promulgation of the gospel, kingdoms remained in the same state in which they were constituted by the rights of nations and people; that the civil power remained distinct in her own order, her own duties, and her own actions, untouched, and in full possession of her former rights; that the empire of Cæsar should ever be safe from his empire, and that earthly kingdoms should never be in any danger from the laws of his kingdom. To this refer the former passages cited above by the French clergy, John xviii. 33. Matt. xxii. Rom. xiii.

Conscious of the divine authority of their office, and that they should have the assistance of heaven in the discharge of it, the apostles never taught those to whom they committed the care of the churches, that the civil power was, in matters of a temporal nature, obnoxious to it, either directly or indirectly.

And certainly those, with whom the apostolic tradition was first deposited, were far from claiming any power in civil or temporal concerns. Every person is apprised of the famous passages in Tertullian's letters to Scapula, and in his Apology: "We venerate the emperor, says he, as the person next to God, and in what he derives from God, inferior only to God; the emperors know, that to God alone they are subject, to God alone they are second; after God they are first in order." This was the language of the christians in times, when the numbers of them were so great, that the same writer observes, they filled the towns, the islands, the corporations, and even the armies of the emperor.

Osius, who presided at the council of Nice, writes thus to the emperor Constantius: "To thee God has committed the empire; to us he has entrusted his church; and as those who with evil eyes look at your empire, contradict the divine ordination, so it is with respect to us; for it is written, What is Cæsar's, give to Cæsar; what is God's, give to God. It is unlawful for us to hold an earthly empire," &c.

St. Augustin, in his 115th treatise on the gospel of St. John, cried out without hesitation, "Hear, O ye empires of the world; I interfere not with your sovereignty in this world; my kingdom is not of this world."

Pope Gelasius writes thus to the emperor Anastasius: "The government of the world acts on two things, the sacred authority of the bishops, and the power of the kings: each is chief, each supreme. Nor do the duties of the one interfere with the duties of the other, so far as to the order of public discipline belongs; the bishops of the church, recognizing the sovereignty conferred upon you by the authority of God, obey you," &c.

We shall adduce no farther proof, lest our answer should swell to an immense size. That learned work of Bossuet, *Defensio Cleri Gallicani*, throughout the whole of the second part, contains many striking proofs that this doctrine is an apostolic tradition.

Answer to the Second Quære.

“ NEITHER the pope, nor the cardinals, nor any body of men, nor any person of the church of Rome, can, by virtue of the keys, absolve or free the subjects of the king of England from their oath of allegiance.”

This and the first quære are so intimately connected, that the answer to the first immediately and naturally applies to the second.

For what greater authority over a sovereign can be conceived, than the right of absolving and freeing subjects from their oath of allegiance? How well might it be said, that the kingdom of Christ *was* of this world, if the right of deciding on the taking away of kingdoms were annexed to it, and could be conferred by it upon the ministers of the church!

It were needless to repeat here what we said at some length upon the first quære, or to copy the passages we cited before from the declaration of the Gallican church, and her censures of Santarellus and Malagola. It is, however, observable, that the third of the articles of the year 1663, particularly regards this quære: “ The doctrine of the faculty is, that the obligation of allegiance and obedience, which the subjects of the kings of France owe their sovereign, is of such a nature, that it cannot by any pretence be dispensed with.”

The words of the English oath of allegiance should be attended to: “ The pope has not by himself, or by any authority, granted to the church, or the see of Rome, or by any other means, or with any other person, any authority to depose the king, or to free any

"of his subjects from their oath of allegiance, or their obedience."

The answer of the doctors to the catholics of Ireland in 1775, upon the third quære, is, "The doctrine of the right of the popes to depose princes excommunicated, is heretical *materialiter* (as it is termed by the schools); that is, contrary to the very words of God."

Answer to the Third Quære.

THERE is no tenet in the catholic faith, by which catholics are justified in not keeping faith with heretics, or those "who differ from them in matters of religion."

The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of catholics, that there is nothing of which those who have defended the catholic faith against protestants, have complained more heavily, than the malice and calumny of their adversaries, in imputing this tenet to them*.

We have already mentioned the answer of the sixty doctors of Paris, consulted by the Irish catholics in 1775, to a similar quære. We adopt it in all its parts; and with respect to the principle of the tenet, which the English catholics fear, lest by reason of some pre-conceived opinions it should be imputed to them, as it is rejected by christians of every communion, and is repugnant to the fundamental principles both of natural and revealed religion, we cannot think it incumbent on us to enter upon the subject, and we think it requires no discussion.

* See "Arnaud's Apology for the Catholics," and the authors cited by Rosweid and Swert. See also Cocceus, in his History of the Hussites.

Thus then the sacred faculty considers it to be certain, that no power in civil or temporal matters was given by Christ to St. Peter, or his successors, or the church of Rome, or annexed to her power in things spiritual, or relating to eternal salvation; that subjects cannot be absolved from their oath of allegiance to their temporal sovereign, that nothing can excuse them in breaking faith with heretics; that this is the doctrine of the catholic church, and that it is founded on scripture and tradition.

Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day before the calends of March, 1789.

LE CHEVALIER,

Dean of the sacred Faculty of Paris.

By command of the venerable the Dean and the Masters of the sacred Faculty of Paris.

HARDY, Scribe.

ALCALA.

The Judgment of the University of Alcala, concerning Three Questions proposed to it by his Catholic Majesty, and their most beloved Sovereign Charles the fourth.

Question the First.

HAS the Roman pontiff, or the cardinals of the holy Roman church, or any council, or any individual of the catholic church, by virtue of their communion with that church, any civil authority, civil power, jurisdiction, or pre-eminence, in the kingdom of Great Britain?

Second. Can the Roman pontiff, the cardinals of the holy Roman church, any council, or individual of the

catholic church, absolve the subjects of his Britannic majesty from their oath of allegiance, or dispense with its obligations?

Third. Among the articles of the catholic faith, is there any which teaches, that catholics are not bound to keep faith with heretics, or with persons of any other description, who dissent from them in matters of religion?

Answer to the First Question.

It is the opinion of the university, that none of the persons mentioned in the proposed question, either individually or collectively, or in any council assembled, whether laymen or prelates, have any right to civil authority by virtue of their communion with the catholic church: and that, therefore, the civil authority, civil power, jurisdiction, and pre-eminence, which many catholics possess, are not derived to them from the circumstance of their being catholics, but from the very same sources, as to many others who are not catholics, viz. from inheritance, election, the consent of the people, and other titles of that nature. For the rights of governing kingdoms in civil concerns, as well as of possession, were instituted before the catholic church was founded by Jesus Christ our Lord, the author of that divine law, by which it is governed; and he expressly declared, that he left those rights untouched, saying to Pilate, "My kingdom is not of this world; but now my kingdom is not from hence." (John xviii. 36.) The sense of which words have been aptly explained and illustrated by the great St. Augustin (Tract. 115, in Joan. n. 2.) "Listen (says he), ye Jews and Gentiles; hear this, ye circumcised and uncircumcised; hear it, all ye nations of the earth: I interfere not with your dominion in this world. Be not you seized with

“ that groundless fear with which Herod trembled, when
 “ the birth of Christ was announced in Jerusalem.” The
 same are the ideas of the apostle Paul, conveyed in these
 words, in his Epistle to the Romans, “ Let every soul
 “ be subject to the higher powers ;” on which St. John
 Chrysostom has this commentary : “ On this subject
 “ (says he) Paul has spoken frequently in his other
 “ epistles, also inculcating the obedience of subjects to
 “ their princes, as of servants to their masters: showing
 “ that Christ did not introduce his laws with a view to
 “ the subversion of the laws of civil polity, but to
 “ amend them, and to prevent superfluous and useless
 “ wars ; by this method he more successfully attracted
 “ infidel princes to religion and piety, and the faithful
 “ to proper obedience.”

No other power has been given to the faithful by
 Christ our Lord, but that which John the Evangelist
 has described in a few words, that is, the power to be
 made the sons of God. All other emoluments and com-
 forts of this life, he would have them share in common
 with others, even with the worshippers of the evil spirits ;
 which, as St. Augustin puts us in mind, has been so
 ordered by the mercies of our Saviour, lest those who
 believe in him should desire such things from his hands
 as their principal good, (l. 5. de Civ. Dei, c. 24.) These
 words, by their own weight, and by the authority of
 St. Augustin, who was himself a prelate, demonstrates,
 that prelates have no right to such things, in conse-
 quence of their communion with the catholic church.
 Certainly, the more exalted is their dignity, the more
 indecorous it would be in them, to expect from Christ
 these worthless earthly things as their sovereign good.

Doubtless, prelates are possessed of a high power,
 jurisdiction, authority, and pre-eminence for the dispens-
 ing of divine mysteries, not for the administration of

human concerns, as pope Symmachus observes, or as St. Bernard expresses it, a power over crimes, not over earthly goods; insomuch, that human and terrestrial things are not the objects of their power, but are a harvest belonging to others, the property of the civil magistrates and princes of the earth. (*De Cons. ad Eug. c. 6. lib. 1.*)

Answer to the Second Question.

HAVING considered the state of England, and the situation of its sovereign, the university in like manner is of opinion, that none of the persons mentioned in the proposition has a power to absolve the subjects of his Britannic majesty from the oath of allegiance which they have taken, or are bound to take to his said majesty, or to dispense with its obligations; understanding with St. Augustin and St. John Chrysostom, even the apostle St. Paul, those passages of the sacred scriptures which promise to just men, and believers in Christ, deliverance from subjection, as speaking of a future state after this mortal life.

We see that St. Augustin explains those words of the Psalm, "The Lord will not leave the rod of sinners upon the lot of the just." (*Ps. 124. Aug. ibid.*) By comparing them with the text of St. Paul to the Ephesians, "Servants, be obedient to them that are your masters, according to the flesh," (*c. vi. ver. 5.*) in the following manner, "Christ has no intention to nourish any pride in your heart during your earthly pilgrimage; it has been your lot to become a christian, while you have a man for your master; you are not made a christian, that you may disdain to be a servant. While you serve a man, in obedience to the injunctions of Christ, you serve not man, but Christ, who gave such injunctions. Behold he hath not given freedom to slaves, but of bad slaves he makes them good ones! How much

"are the rich indebted to Christ for preserving order for
 "their domestic establishments! If there be in them an
 "unbelieving slave, he converts him to his faith, but
 "does not say to him, leave thy master; it is unjust,
 "that he who is a righteous man and a believer, should
 "be a slave to one who is a criminal and an infidel. He
 "says not this, but commands him to serve with greater
 "fidelity. And that he might inspirit his follower to
 "this, he hath said, Serve, because I before you have
 "served the wicked." St. Augustin confirms this
 doctrine by the example of the catholics, who showed
 a ready obedience to Julian, an infidel, apostate, and
 idolater; and after having subjoined, "What I have
 "said of a master and slave, must be understood of
 "potentates and kings, and all the high powers of this
 "world," he concludes, that the words of the Psalm
 must be understood in this sense;—"The rod of sinners
 "is felt for a time, but it shall not remain; we shall not
 "be aggrieved by it for ever:" and he adds, "unjust
 "men are sometimes exalted to the honours of this
 "world. When they attain to them, and are consti-
 "tuted judges and kings, since God permits this for
 "the correction of his people, it can only be that due
 "honour may be given to the dignity with which they
 "are invested."

Thus does St. Augustin expressly declare it to be the
 sense of the apostle, that not he, but the Lord, com-
 mands subjects to be obedient to their princes during
 the days of this transitory life; and, although they may
 be just and faithful followers of Jesus, to look out for
 an entire emancipation from subjection only in the world
 to come; hence, it also follows, that these other words
 of the apostle, when writing to the Corinthians, (1 Cor.
 vii. 20, 21.) he says, "Let every man abide in the
 "same calling in which he was called. Wast thou called;
 "being a bondsman? Care not for it; but if thou mayest

"be made free, use it rather," are to be taken in their literal sense; and they are easily applicable to the subjects of his Britannic majesty.

St. John Chrysostom agrees with St. Augustin in every part of this doctrine, and moreover declares the obligation of civil obedience to be incumbent on all; "Whether you be an apostle, says he, or an evangelist, or a prophet, or any thing else;" and he searched into the origin of this obligation, saying, "If it be our duty to do good to those from whom we receive injuries, how much more strictly are we bound to be obedient to those who load us with benefits? It is not a little that is contributed by princes towards the comforts of our present existence, when they take arms to repel our enemies, quell seditions in the cities, and put an end to every vexatious litigation. Do not tell me, he proceeds, that his power is frequently abused; but consider the advantages which flow from the establishment of civil authority, and you will discover much wisdom in the institution; for where there is no government, there is the reign of confusion and of every evil. 'Render, therefore, to all men their dues; tribute, to whom tribute is due; custom, to whom custom; fear, to whom fear; honour, to whom honour; owe no man any thing, but to love one another.' He has not said, give, but render; and he has added, their dues: for in this you are not conferring a favour. If you reply, that, as a disciple of Jesus, you enjoy higher privileges; know that your time is not yet come. You are a stranger and a pilgrim; the day will come when you will far outshine the splendors of earthly dignity. Now your life is hidden with Christ in God. When Christ shall appear, then shall you also appear with him in glory; therefore, seek not your retribution in this transitory life. If you must stand with reverence before an earthly prince, think

“not that it is unworthy your native dignity; for
 “such is the will of God, that the prince whom he hath
 “created his entire, possesses his entire strength.”

Since, then, in the judgment of both these holy fathers, it is the sense of the apostle, that tribute, custom, fear, honour, are due to princes, both by the command of God, and as a debt of retribution for the benefits which they confer on the state, maintaining order and peace, and performing other good offices to their subjects; since, in the present constitution of human things, due honour must necessarily be given to the higher powers; and since an oath of allegiance does not found any new or unusual obligation, but strengthens, by the sanction of religion, an obligation which previously existed; it follows, that no one can absolve the subjects of his Britannic majesty from such an oath, nor dispense with its obligations; therefore, the prince must ever retain his strength, and the subjects must abide in the same calling in which they are called.

Answer to the Third Question.

So persuaded is the university, that a doctrine which would exempt catholics from the obligation of keeping faith with heretics, or any other persons who may dissent from them in matters of religion, instead of being an article of the catholic faith, is entirely repugnant to its tenets; that she could not have believed it possible there should exist any person who would dare to impute to catholics any thing so iniquitous, had she not learnt from the things that are written in the sacred scriptures for our instruction, that the same Pharisees who had heard our Lord openly deliver this injunction, “Render to Cæsar the things that are Cæsar’s,” afterwards laid this crime to his charge; “we have found
 “this man perverting our nation, and forbidding us to
 “give tribute to Cæsar.” But the devil, who had put

this into their hearts, and moved their tongues to the uttering of such falsehoods, as could induce the Jewish multitude, who considered Christ as a prophet, to cry out with a loud voice, "Crucify him! crucify him!" has never since desisted from perverting others in like manner.

It was alleged every where against the apostles, that they were seditious men, introducers of innovations, and both by their doctrine and conduct, aiming at the subversion of all legal authority. On this account, as St. John Chrysostom observes, the apostle of the Gentiles treats so often of keeping faith with princes, masters, friends, enemies, just and unjust, and frequently inculcates, that we must give them no cause for offence, but must do them every friendly office; and the same has been perpetually taught by the catholic church, in her writings, by her words, and her actions.

Still the father of lies has persisted in the same attempt. England is not ignorant of the calumnies vented against catholics by the apostate Oates. The assertions, likewise, are well known, which maintained; with so much industry and art, the art of deceiving and lying, in which he so much excels. He was crafty enough to persuade some persons that a canon was framed in the sixth general council, by which catholics are freed from any obligation to keep faith with heretics, or any other persons who may dissent from their religious tenets; and that a similar canon was published by the council of Constance, by virtue of which he affirmed, that faith was not kept with John Huss, and Jerome of Prague.

But the first of these canons is not of the sixth general council, nor is it of any authority; on the contrary, it has been condemned by the church. As to the council of Constance, nothing was there defined concerning breach of faith. If we were to determine the question

from the acts of that synod, we should be forced to draw a contrary conclusion. For the fathers of the council declared, that therefore they were at liberty to examine the doctrines of John Huss, because they had not granted him a safe conduct.

A safe conduct had indeed been granted him by the emperor Sigismund, who nevertheless afterwards ordered him to be burnt, but still without any breach of faith. For he had given him a safe conduct only in the ordinary form, viz. against lawless violence, and with the condition annexed to it, that if he fled, he should forfeit his life. Huss fled, in violation of his engagement.

To Jerome of Prague a safe conduct was granted by the council itself, not including any special immunities, not authorizing any daring attempts which he should afterwards make, but upon this condition, that the course of justice should not be impeded. He was present in the council, abjured his heresies, and was exposed to no molestation. But when afterwards, contrary to his promises, he had taken himself to flight, and begun to spread abroad among the vulgar, that he had consented to falsehood, in agreeing to the condemnation of Wickliffe and John Huss; that he could find no errors in their doctrine; that Wickliffe was an evangelical preacher; and when at length he obstinately maintained these assertions before the fathers of the council, Sigismund judged that such behaviour was not to be tolerated in one who had broken his faith; and surely, what man in his senses would assert, that any one ought to be suffered with impunity to utter against God and man absurdities and blasphemies like the following? 1st, God ought to obey the devil. 2d, No man is a civil ruler, no man is a prelate, no man is a bishop, while he is in the state of mortal sin. 3d, The multitude have a right to punish at their plea-

sure the crimes of their rulers: 4th, Oaths which are taken to confirm contracts, or civil negotiations, are unlawful. So much for those canons by which they have endeavoured to spirit up envy and odium against catholics.

Catholics have been taught by St. James the apostle, that their speech must be yea, yea; nay, nay: guided by this wisdom, the catholic church has ever reprobated falsehood. But to swear or to promise any thing without actually performing it, is a falsehood. The catholic church is not so devoid of judgment as to have enacted a law, or promulgated a decree, which would banish from the catholic world excellent virtues, truth, fidelity, and justice, without which there could be no happiness for individuals, no civil societies, nor intercourse among men. What catholic ever taught that it was lawful to lie, to deceive, or to violate any natural right? Our religion, on the contrary, teaches that faith must be kept with all men, whatever be their religion, or though they be of no religion, without a single exception, in every promise; which of its own nature is lawful and valid, whether in peace or in war, in the concerns of religion, in matrimony, in safe conducts, in civil commerce with friends, with enemies.

These being our sentiments, as may be evinced likewise by what has been said relative to the first and second questions, that the doctrine of the catholic church may be clearly and distinctly understood by all the world; we shall only add, that no obligation arising from the laws of nature, of nations, or of men, which is founded in natural reason, has been altered or weakened by our Redeemer; but that every such obligation has been rather heightened and exalted to greater perfection, has been strengthened by his doctrine and example; and by the addition of other moral precepts and councils; that the order of nature might be preserved

in all human things, and that his grace might assist men to discharge their natural duties. This is the excellent philosophy which he brought from heaven, and introduced into the world, that he might form men to be useful and beneficial one to another, and obedient to the commands of the Divine Being.

These are the unanimous decisions of this university, after a mature deliberation, in a full assembly of the doctors, the 17th day of March, in the year of our Lord 1789.

(Signed by the Rector, and the Deans of the Three Faculties of Theology, Canon Law, and Medicine; and countersigned, by command of the University, by its Secretary.)

VALLADOLID.

A Decision concerning the three underwritten Propositions, laid before the university of Valladolid, in the kingdom of Spain, by the English Catholics.

Question the First.

HAS the Roman pontiff, or the cardinals of the holy Roman church, or any council, or any individual of the catholic church, by virtue of their communion with that church, any civil authority, civil power, jurisdiction, or pre-eminence, in the kingdom of Great Britain?

Question the Second.

CAN the Roman pontiff, the cardinals of the holy Roman church, or any council, or individual of the catholic church, absolve the subjects of his Britannic majesty from their oath of allegiance, or dispense with its obligations?

Question the Third.

AMONG the articles of the catholic faith, is there any which teaches, that catholics are not bound to keep faith with heretics, or any other persons who dissent from them in matters of religion?

Answer to the First Question.

THE university of Valladolid, in the Roman pontiff, in the cardinals of the holy Roman church, in any council, even a general assembly legally assembled, much less in any individual, acknowledges no civil authority, civil power, jurisdiction, or pre-eminence, by virtue of their communion with that church, neither directly nor indirectly, in the kingdom of Great Britain, nor in other kingdoms or provinces, whether catholic or not, over which they possess no temporal dominion, in consequence of any spiritual power granted by Christ our Lord, either to the universal church, or to its head, or its members, however exalted in dignity and rank.

Answer to the Second Question.

NEITHER the Roman pontiff, nor the cardinals of the holy Roman church, nor any council, not even a general assembly legally assembled, nor any individual of the catholic church, can any way absolve the subjects of the king of Great Britain, or any other person, whether catholic or not, over whom they hold no temporal dominion, from their oath of allegiance, nor dispense with its obligations.

This is the unanimous determination of the university of Valladolid, respecting the first and second propositions; a determination founded on a variety of arguments drawn from the sacred writings and ancient monuments: and not only the university of Valladolid, but all the universities in the Spanish dominions, are even com-

manded by royal authority to maintain this doctrine ; for the professors of the Spanish universities, in order to qualify themselves for any academical degree, or for obtaining any professor's chair, are obliged to take the following oath before the supreme council of the state : " I, N. call God to witness, and swear by the cross, " which I now touch, that I will never directly or " indirectly promote, defend, or teach, any opinions " contrary to civil authority and the king's regalia." Moreover, neither can the rector, the chancellor (who is a bishop of this city and diocese,) the deputies, nor counsellors, be on any pretext admitted to perform their respective offices, till they have taken a solemn oath, binding them to the observance of the aforesaid academical law.

Answer to the Third Question.

Among the articles of the catholic faith, there is none which teaches, that catholics may lawfully break their faith with heretics, or any other persons whatever, who dissent from them in matters of religion : the obligation of keeping faith is grounded on the natural law which binds all men equally, without regard to their religious opinions ; and with respect to catholics, it has still greater force, being confirmed by the precepts of the catholic religion.

This is the decision of the university of Valladolid, signed by all and each of the professors, on the 17th day of February, in the year of our Lord 1789.

(Signed by the Rector, the Vice Chancellor, the Dean, and twenty-four Doctors and Professors ; and countersigned by the Secretary of the University.)

SALAMANCA.

A Determination relating to the concerns of the English Catholics, which, being consulted by his Majesty, the university of Salamanca offers and presents to the most puissant Charles the fourth, king of Spain.

Consultation.

THE catholics of England being desirous to enjoy the privileges, and to be admitted to discharge those offices in the state, to which every member of a commonwealth possesses a kind of inherent right, and from which they will ever be excluded, unless they make a public declaration, that they will never be induced to withdraw themselves from their allegiance to the civil and established power and jurisdiction of the kings of Great Britain, by motives coloured over by a pretended regard for the interest of religion, by any pretext, or any dispensation ; convene the university of Salamanca, by the favour and under the patronage of his most puissant majesty, our sovereign lord Charles the fourth, king of Spain, that they may learn our sentiments, and obtain our decision with respect to certain questions which they are to propose to us. Therefore, all the doctors and professors being in council assembled, as is customary for the discussion of any important matters, and the questions having been for some time weighed and considered, six members of the university, chosen out of the faculties of divinity and canon law, were appointed to draw up the answers : and they, with minds wholly divested of prejudice, as far as is compatible with the condition of human beings, consulting together in private, framed distinct answers to each question ;

which answers were approved and confirmed by the suffrages of the rest of their fellow-members in another full assembly.

Question the First.

HAS the Roman pontiff, or the cardinals of the holy Roman church, or any council, or any individual of the catholic church, in consequence of their communion with that church, any civil authority, civil power, jurisdiction, or pre-eminence, in the kingdom of Great Britain?

Answer.

IN order to resolve this question in a clear and methodical manner, we must have recourse to first principles, and inquire what kind of power has been delegated by Christ to the church; since the christian republic cannot possess, by native and original right, any thing beyond that which was granted to it by our Redeemer, and its founder Christ Jesus. In what manner, then, did our Saviour express himself, when he spoke of kingdoms, and of the power and jurisdiction of his church? That he might silence the Jews, who were perpetually calumniating him, as one that set himself up for king in opposition to Cæsar; he answered to Pilate, "My kingdom is not of this world, otherwise, my servants would certainly strive that I should not be delivered up to the Jews; but now my kingdom is not from hence." Now the same power, and no other, was given by Christ to Peter, to his successors, the bishops of Rome, and to the universal church, which he himself, as man, had given him by his Father. "As the living Father," saith he, "hath sent me, I also send you:" but he invariably denies that he had received any temporal power, by declaring, that his kingdom is not of this world; by betaking himself to flight, when some persons had con-

ceived a design of making him king, by replying to one who said to him, "Master, speak to my brother, that he divide the inheritance with me: Who hath made me a judge or a divider over you?" and, in fine, by decreeing that tribute should be paid to Cæsar, though at that time it was an unquestionable truth, that the Romans were tyrants, and most cruel oppressors of him, of all the Jews, and of the whole country of Palestine. If ever he had taken occasion to mention any temporal power, as belonging to himself, it would have been when he foretold, that the time would come, in which princes would abuse their authority by persecuting the divine messengers of salvation, by inflicting on them the most excruciating tortures; and by opposing, with all their power, the propagation of his religion. Whereas, even then, so far was he from giving them any authority to stir up wars, and defend his religion by hostile measures, that he frequently inculcated to them, that they must behave like sheep among wolves; that, like simple doves, they must contend only by their sighs, their patience, their meekness. This is the character of the christian religion; these are its lovely features, which, if men were but to view them with unprejudiced minds, could not fail to make it the object of their adoration and fondest affection; certainly, he who came not to be ministered unto, but to minister and save that which was lost; he, who neither dispossessed Octavianus nor Tiberius of their empire, nor Herod of the sovereignty of Judea, nor Pilate of the pretorium, wished earnestly to impress on the minds of all who desire to walk in his footsteps, and to whom is committed the government of the church and the care of souls; this admonition, that they should by no means interfere with the concerns of the earth; and that his disciples should not think it justifiable in them, or that it would be allowed in them, to exercise an authority which their master

formally disclaimed, and always refused to exercise ; for the disciple is not above his master, nor the servant greater than his lord. It is, moreover, most certain and indisputable, that these examples and precepts apply with equal force to the infant days of the christian church, to the subsequent ages of persecutions, and to the period after peace was restored to it, and it arrived to the attainment of great strength and riches ; unless it be admitted, that we are to degenerate from the sentiments of those true followers of Christ in the first ages, who, with incredible fidelity, continued to hold allegiance to Nero, Trajan, Dioclesian, and other most inhuman emperors, who harassed the christian republic with insatiable cruelty. As early as the second century, if credit can be given to Tertullian, in his Apology, the christians abounded in every quarter of the Roman empire ; they filled the cities, the fortresses, the islands, the very camps, the palace, the senate, the forum, and had left to the pagans the exclusive possession of only their idolatrous temples : and nevertheless, we no where find, that in the cause of religion they ever endeavoured to throw off the yoke of allegiance to any emperors. These are facts which no rational man can call in question. But if they were even fictions, it surely cannot be said, that Christ had enjoined us meekness, patience, and forbearance, as only suitable to a state of imbecility and impotence, but had commanded us, on the increase of our strength, no longer to practise submission, but fiercely to resist the civil powers, and to dethrone or imprison, or reduce to the condition of private citizens, those very princes who are constituted by the Lord, and to whom we are bound to be subject and obedient, not only for wrath, but also for conscience sake. It were impious to assert, that the apostles and Christ himself, in giving us such forcible precepts and striking examples of obedience and patience, only yielded to the

exigencies and circumstances of the times, but did not establish a fixed and permanent law, which, in all the course and fluctuation of future ages, should never be annulled. Therefore, since the rights of the kings of England, whether they persecute or tolerate catholics, are founded on the same principles with those of all other sovereign princes under heaven, we are firmly of opinion, that neither the Roman pontiff, nor the cardinals of the holy Roman church, nor any council, nor any individual in the catholic church, by virtue of their communion with that church, has any civil authority, power, jurisdiction, or pre-eminence, in the kingdom of Great Britain.

Question the Second.

CAN the Roman pontiff, the cardinals of the holy Roman church, any council, or individual of the catholic church, absolve the subjects of his Britannic majesty from their oath of allegiance, or dispense with its obligations?

Answer.

THE solution of this second difficulty spontaneously arises from the principles laid down in the foregoing answer. We have no inclination to spend our time here in exposing the emptiness of the visions, rather than reasons, of some persons, who have asserted, that by the coming of Christ all earthly thrones were subverted, and that, after the establishment of the papal dignity, both the temporal and spiritual sword was put into the hands of the bishop of Rome, that all kings are only his vicegerents, and their dominion is so completely transferred to him, that he can of right depose even idolatrous princes, and confer their domains on any of the faithful at his pleasure. This absurdity, which we cannot think of without the utmost astonish-

ment, has been defended by a very few individuals, but by the body of divines and canonists it is universally exploded and completely refuted. It is certain, that Christ never possessed, neither by inheritance nor by delegated power from God, nor by any other means, any temporal dignity which he could transmit to Peter, to his successors, and the other bishops; and from the idea that he bequeathed such dignity, this monstrous consequence would follow, that the pope is, by divine right, supreme lord over all the earth; that the bishops are the princes of their cities and districts, that kings are not really kings, that they are not illustrated by native and inherent majesty, but a precarious adventitious dignity, derived to them from the christian prelates.

We cannot, however, think of dissembling, by passing over in silence a fact, to which several publications, now extant, and the annals of the church, bear testimony; viz. that some christian divines and canonists have persuaded themselves, that all temporal concerns were subordinate to the spiritual, and were to be referred to them as to their ultimate end; that he who has power over the end, must have power over the means also, and a right to command whatever is conducive to the end, and a right to remove whatever might oppose its attainment; that, consequently, on account of apostacy, heresy, or any grievous crime which brings mischief on the church, or is detrimental to the salvation of the faithful, kings might be cut off from the communion of christians, and that this being done, they were so divested of all power and dignity, that no one could conscientiously have with them any sort of intercourse.

But heaven forbid, that any christian people should imbibe an opinion so fatal to kingly government; far be it from them to embrace an opinion unknown to all

antiquity, for which there is not any solid foundation in the sacred writings, and which, at all times, and in every place where it has been suffered to prevail, has been the execrable parent of wars and civil discords. If such an arrangement had been suitable and useful to the church which Christ came to establish on earth, without doubt, he would have settled a matter of such importance with particular attention; and the very novelty of a doctrine in religious concerns, is ever a certain argument of its falsehood. The votaries to this opinion have no other principles on which to rest their cause, but either certain allegories, which, though they may confirm a doctrine already established, of themselves can afford no evidence of truth, or distorted passages of scripture, or far-fetched inferences, or facts and precedents, which, it were to be wished, the christian church had never heard of, as they are all in direct opposition to other facts and precedents of high antiquity. From the eleventh century to the present, the bishops of Rome have sometimes endeavoured to anathematize kingdoms, and to depose princes from their sovereign dominion; but vain have been their efforts in almost every instance, perhaps by the particular disposition of the Divine Providence, that experience itself might convince mankind, that the christian republic is not to be defended by a military force; and the sheep of Christ are not to be fed in pastures obtained for them by wars and civil contests; are not to be composed into order by the clangor of arms, but by counsels, exhortations, the preaching of the divine word, and other such means recommended by our Lord to the pastors of the church. That kings, as well as the faithful of inferior rank, are so far subject to the power of the bishops, that by them they may be separated from the church, and delivered to Satan if their crimes provoke such severity, is a truth which must not be called

in question ; although it would perhaps be more expedient and more discreet, never to apply such desperate remedies to the wounds of those who are invested with sovereign power. But princes, even when thus excommunicated, possess the same authority, the same right to govern, as when they participated the sacred rites ; and their subjects are bound to pay them equal homage, submission, and obedience, unless their orders be evidently unjust, or unless they insist that their subjects shall join them in the guilt, for which they are deprived of ecclesiastical communion ; for in that case, we must never lose sight of the divine admonition, God is to be obeyed rather than man. This is the system established by Christ Jesus, and confirmed by the writings and examples of our forefathers. They are, indeed, deluded, who picture to themselves any form of a christian republic, which differs in the least degree from that which has been framed by our great lawgiver ; and he must be little conversant in sacred literature and ecclesiastical history, who is yet to be informed, that the church will ever be tossed about amongst rocks and shelves ; that it is necessary that heresies should exist in it, that it has ever flourished amidst clouds and storms, never enjoyed a complete tranquillity and peace, nor will enjoy it till settled in the heavenly paradise.

That the christian republic would not be perfect nor independent in its operations, unless all temporal rights were subordinate to the spiritual, and unless excommunicated princes were deposed, and their subjects absolved from their allegiance, is a pretence which receives no countenance either from the gospel, or from the ancient practice of the christian church. In its very origin, Peter, making no mention of a doctrine of such weighty consequence as that would be, commands the faithful to pay obedience and reverence to kings and governors ; and Paul will have every soul subject to the

higher powers, and declares, that he who resists the powers resists the ordinance of God ; and christians in the succeeding ages endured hunger, thirst, exile, and every extreme calamity, rather than depart from their allegiance to Julian, Constantius, Valens, and other Roman emperors, who were heretics, and protectors of heresy. But some divines and canonists, having their minds filled with magnificent ideas from beholding the present pomp, riches, and power of the church, have forgotten its former state of subjection, poverty, obedience, and misery. Therefore, the republic of Christ is perfect and completely independent ; not because it can remove every obstacle to the salvation of man ; for it cannot soften obdurate sinners to repentance, nor entirely take away the occasions of sin, nor avoid heresies and schisms, nor a variety of other things which are detrimental to its subjects ; but it is independent and perfect, because it has received power from God to conduct men to eternal life, and likewise the means of accomplishing its object ; but then these means are of the same nature and kind with the end proposed, viz. spiritual not temporal means, which, we are decidedly of opinion, our Redeemer never thought of employing. Seeing, therefore, that the oath of allegiance, which binds subjects to their princes, refers to temporal rights only, and may be, and frequently is, imposed equally on believers and unbelievers ; and since the popes, when they have granted to any subjects a dispensation from it, have always aimed at depriving their rulers of their dominion, which, as we have demonstrated, cannot be done without a violation of civil and natural right, we without any hesitation declare, that neither the Roman pontiff, nor the cardinals of the holy Roman church, nor any council, nor individual of the catholic church, can absolve the subjects of his Britannic majesty from their oath of allegiance, or dispense with its obligations.

Question the Third.

AMONG the articles of the catholic faith, is there any which teaches that catholics are not bound to keep faith with heretics, or persons of any other description, who dissent from them in matters of religion ?

Answer.

So far are we from admitting, as an article of our religious creed, any tenet which authorizes breach of faith to persons of a different persuasion, that we know we are frequently admonished by St. Paul, as much as it is possible, to have peace and charity with all men. The natural rights of men were not intended to be abridged by the law and doctrine of Christ, but to be confirmed and illustrated. Now nothing is more clearly engraven on the minds of men by the law of nature, than this principle, that all men, however discordant their religious tenets, are, to every intent and purpose, in a state of equality with respect to negotiations, alliances, and compacts. The Spaniards, who, in point of zeal for the defence and support of the catholic faith, will yield to no nation under heaven, have entered into contracts relating both to commerce and to the establishment of peace with the English themselves, and with other Calvinist or Lutheran states; and it would be an atrocious injury and a vile calumny to assert, that such contracts have at any time been violated under pretence of religion. Moreover, our late most religious prince Charles the third, of blessed memory, whose death can never be sufficiently lamented, made treaties of peace and perpetual alliances, not only with heretics, but with the Africans, and with the Turks themselves, who with wild fanaticism venerate the dreams and ravings of Mahomet as revelations from heaven, as soon

as he found them disposed to lay aside, or at least to soften, their innate ferocity and inveterate hatred of the christian name. That wise prince, the loving father of his people, and strenuous defender of the church of Christ, did not act thus in consequence of any recent institution, not in conformity to the temper of this age, but moved by the ancient spirit of genuine piety, and the very nature and genius of the christian religion. Because we are catholics, it is not necessary that we should be actuated by a persecuting spirit against those who are adverse to our religion; meekness and charity, its great characteristics, and the example left us by our forefathers, recommend to us a contrary conduct. For it is an incontestable fact, that many most holy bishops, in ancient times, sold the sacred vessels and ornaments of the church, that they might redeem men of all denominations, whether pagans or christians, from captivity and slavery; so far were those venerable men from teaching, that faith was not to be kept by them in compacts and other civil negotiations.

A distinction must always be made between the civil and the religious toleration of heretics, a distinction which is frequently not attended to by some ignorant revilers of the catholic church. Undoubtedly those who, grounded on certain and immovable principles, are persuaded that theirs is the only true church of Christ; that the doctrines defined by their pastors are so infallibly certain, that they are bound, when circumstances require it, to spill their blood in their defence; that every man, who obstinately rejects one article loses his faith, and becomes guilty of all, can never hold ecclesiastical communion nor religious concord with men of any other sort of persuasion. But it is far otherwise with respect to communion with heretics, and other enemies of the catholic faith, in civil transactions; for if we except the first natural duties, by which every man

is bound to his fellow man, in other matters we are at liberty either to unite with them or separate from them, as shall appear most conducive to our own interests. In Spain, indeed, for these three hundred years past, no one is permitted to hold any military office, nor to enjoy a perpetual settlement, who is considered as an avowed enemy to the catholic church ; because our princes have thought it more eligible to forego certain advantages, which might perhaps be derived from commercial intercourse with men of different persuasions, or from their improvements in the arts, than either to endanger the faith of their subjects, or expose their empire to frequent broils and contentions about the doctrines of religion. But it never was the doctrine of the catholic church, nor was it ever believed by us to be her doctrine, that faith was not to be kept with the enemies of the church, whatever may be their denomination ; therefore, among the articles of the catholic faith, there is none which teaches that catholics are not bound to keep faith with heretics, or with persons of any other description, who dissent from them in matters of religion.

Given in the university of Salamanca, in the year of our Lord one thousand seven hundred and eighty-nine.

Signed in the name of the whole University, by the Rector and the six deputed Members.

(Signed by the Rector, the Regius and Public Professors of Theology, the Professors of Canon, Ecclesiastical, and Civil Law, and the Greek Professor; and countersigned, by order of the University, by its Secretary.)

NOTE III; referred to in page 280.

Council of Trent.

THE assembling of a general council to compose the actual differences of religious opinion which took place towards the beginning of the sixteenth century, was first seriously agitated during the pontificate of Clement the seventh. But the council did not meet till 1545, the eleventh year of the pontificate of his successor, when it was opened at Trent, on the 13th of December. The matters for the discussion of the assembly were proposed by the legates of the holy see; then considered, first in separate, and afterwards in full congregations; and finally decreed at the sittings of the council.

Little was done in the three first sessions; but, in the four subsequent sessions, the points respecting the Canon of the Holy Books, Original Sin, Free Will, Justification, the Sacraments in general, and Baptism and Confirmation in particular, were decided. An epidemical disorder breaking out at Trent, the council, at its eighth session, translated itself to Bologna. The ninth and tenth sessions were held in that city; but nothing was decided in either; and the pope, being then very aged and infirm, suspended its proceedings. He died in 1549.

With infinite difficulty, Julius the third, the immediate successor of Paul, effected the second opening of the council, on the 1st of May 1551. The eleventh, twelfth, thirteenth, fourteenth, and fifteenth sessions were held during his pontificate. The two first of these sessions were employed in preparatory proceedings. In the fourteenth and fifteenth, the council propounded the catholic doctrine on the Eucharist, Penance, and Extreme Unction. At the fifteenth, the protestants were

invited to the assembly, with an offer of safe conduct. At the sixteenth, the council again broke up, in consequence of the war in Germany.

Julius the third died in 1555. He was succeeded by Marcellus the second. The pontificate of Marcellus lasted only one month, and he was succeeded by Paul the fourth, of the illustrious house of Caraffa, the dean of the sacred college.—Much was expected from him; but, in 1559, he died, without having re-assembled the council. The cardinal de Medicis, by whom he was succeeded, under the name of Pius the fourth, exerted himself with success, in effecting a third re-assembly of the council, and bringing it to a conclusion. By an uncommon union of prudence, zeal, and moderation, he effected his object, and the third opening of the council took place on the 18th day of January 1562. On that day, the seventeenth sessions of the council met; and it was attended by several cardinals and one hundred and two bishops. On the eighteenth, the Censure of Heretics was discussed, and a safe conduct granted to protestants. Nothing was decided at the eighteenth and nineteenth sessions. At the twenty-first, the council decided on the question respecting Communion under both kinds; at the twenty-second, on the Sacrifice of the Mass; at the twenty-third and twenty-fourth, on the Sacraments of Holy Orders and Matrimony; and on the twenty-fifth, on Purgatory, Devotion to Holy Images, the Invocation of Saints, and Indulgences.

Here, the council closed. Its decrees were signed by two hundred and fifty-five fathers; four of these were legates of the holy see; two, cardinals; three, patriarchs; twenty-five, archbishops; one hundred and sixty-eight, bishops; thirty-nine, deputies of absent prelates; seven, abbots; and seven were generals of religious orders. It was subscribed on separate schedules, by the ambassadors of the catholic sovereigns.

It was earnestly wished by the pope and the roman-catholic states, that the protestant princes, and their divines, should attend the council ; but they insisted on a deliberative voice : this, the council uniformly refused. On this point the negotiation between them unfortunately failed ; and, in a consistory, held on the 26th of January 1564, the pope, having taken, in the usual form, the advice of the cardinals, confirmed the proceedings of the council. He died in the following year, and was succeeded by Pius the fifth.

That a considerable proportion of the prelates by whom the council was attended, were distinguished by learning, virtue, and enlightened zeal for religion, has never been denied. Perhaps no civil or religious meeting ever possessed a greater assemblage of moral, religious, and intellectual endowment.

Under the different atmospheres of Venice and Rome, the History of the Council of Trent has been written by the celebrated Fra. Paolo, (the translation of whose work, with notes, by Dr. Courayer, is more valued than the original), and by cardinal Pallavicini, a jesuit. The cardinal does not dissemble, that some of the deliberations of the council were attended with intrigues and passion ; and that their effects were visible in various incidents of the council : but he contends, that there was an unanimity in all points, which related to doctrine, or the reformation of manners : and Dr. Courayer, in the preface to his translation, concedes, " that, in " what regarded discipline, several excellent regulations " were made, according to the ancient spirit of the " church ;" and observes, that, " though all the dis- " orders were not reformed by the council, yet, if we " set aside prejudice, we may with truth acknowledge, " that these were infinitely less than they were before." Leibnitz*, in a letter to the dutchess of Brunswick, ob-

* Bausset's Vie de Bossuet, vol. iv. p. 241.

serves, that "most of the decisions of the council had "been formed with great wisdom, and that he was far "from despising them." The classical purity, and severe simplicity of the style, in which the decrees of the council are expressed, are universally admired; and are greatly superior to the language of any part of Justinian's law.

In what concerns faith or morals, the decrees of the council have been received, without any restriction, by every roman-catholic kingdom: all its decrees have been received by the empire, Portugal, the Venetians, and the duke of Savoy, without an express limitation. They have been received by the Spaniards, Neapolitans, and Sicilians, with a caution, as to such points of discipline, as might be derogatory to their respective sovereignties. But the council was never published in France. No attempt was made to introduce it into England. Pope Pius the fourth sent the acts of the council to Mary queen of Scots, with a letter, dated the 13th of June 1564, urging her to have the decrees of the council published in her dominions; but nothing appears to have been done in consequence of it*.

The canons and decrees of the councils, with the title, "*Canones et Decreta Concilii Tridentini*," were published at Rome twice in the year 1564, in one volume folio, and have since been reprinted in every form. Both the editions of 1564 are great typographical curiosities, but the first of them is incomparably the greatest.

The acts of the council were deposited in the Vatican, and were removed by the order of Bonaparte to Paris, where they were deposited in the Hotel de Soubize: a French gentleman, who examined them, gives the following account of them:—

* See *Histoire de la Reception du Concile de Trente, dans les differens Etats Catholiques*, Paris, 2 vols. 8vo. 1766.

“ Notice des Actes originaux du Concile de
“ Trente.

“ Les actes originaux du concile de Trente, ci-devant
“ conservés dans le château St. Ange, et actuellement
“ déposés aux archives impériales, forment sept vo-
“ lumes, petit in folio, reliés en basane rouge, la plupart
“ de 600 à 700 feuillets, c'est-à-dire, 1200 à 1400 pages.

“ Les trois premiers renferment les sections tenues
“ sous Paul III, y compris ce qui a été fait à Boulogne,
“ et qui constitue un volume à part : le quatrième, les
“ sections tenues sous Jules III, et les trois derniers
“ des sections tenues sous Pie IV.

“ En tête du premier volume, on a collé deux mau-
“ vaises gravures, dont l'une est une carte topogra-
“ phique de la ville de Trente ; l'autre représente le
“ concile assemblé en congrégation générale. Elles
“ portent toutes les deux la date de Venise, 1563. Ces
“ gravures, qui se retrouvent en tête des sections
“ tenues sous Pie IV, peuvent donner quelque lumière
“ sur l'époque de la rédaction où mise au net des
“ actes mêmes.”

Vient en suite un morceau historique, intitulé : *Ordo celebrandi concilii generalis Tridentini sub Paulo III, Julio III, et Pio IV, summis pontificibus observatus* ; et dans lequel on trouve la manière de célébrer les sessions, de publier les décrets, de donner et recueillir les suffrages, l'ordre des séances, et cet *ordo* contient 23 feuillets.

Suit l'histoire des différentes indictions, des suspensions, et des prorogations du concile, jusqu'à sa réunion effective dans la ville de Trente. On y fait le récit de la nomination des légats, de leur départ de Rome, de leur arrivée à Trente, et de celle des principaux prélats.

Chaque session est précédée des travaux préliminaires, qui ont eu lieu dans les différentes congrégations, et c'est ce qui occupe le plus d'espace. On y voit les

matières soumise à l'examen du concile, les discussions qu'elles ont occasionnées, et les suffrages des pères, qui sont rapportés dans un grand détail. On y raconte aussi de tems à autre l'arrivée des ambassadeurs, leurs discours, leur demandes, les reponses des légats, les brefs du pape, &c.

A la fin de chaque session pour l'ordinaire, mais toujours à la fin de chaque volume, est le certificat, mis en signe d'authenticité, par le secrétaire du concile, nommé Ange Massaret, qui a rempli cette fonction dans les trois tenues sous Paul III, Jules III, et Pie IV. Il étoit natif de San-Severino, dans la marché d'Ancône, et clerc du diocese de Camerino en Toscane. Dans les deux premières tenues, il prend seulement la qualité de docteur en l'un et l'autre droit; dans la troisième, il se qualifie évêque, episcopus Thelasinus. Pie IV. lui avoit conféré ce titre, apparemment *in partibus* pour le récompenser de ses services, peut-être pour lui donner plus d'importance; sa souscription est ainsi conçue :

“ Ego Angelus Massaretus de Sancto-Severino Camerensis dioc. J. U. doctor et episcopus Thelasinus, sacri concilii secretarius, et prothonotarius apostolicus, qui præmissis omnibus et singulis interfui et præsens fui, ac ea in notam sumpsi eaque omnia, dum gererentur, adnotavi; ideo ea ipsa omnia uti vere originalia et authentica manu propria scripsi, atque subscripsi, in fidem et testimonium præmissorum. *Puis une Croix.*”

A la suite de cette souscription, on trouve ordinairement celle de deux notaires publics, apostoliques, et impériaux, qui se qualifient notaires du Saint Concile, et certifient, également la vérité du contenu. Mais il y a des endroits, où elle manque, comme dans la tenue sous Jules III.

Indépendamment des sept volumes, dont on vient de parler, il y en a deux qui sont des abrégés, mais des

abrégés authentiques, et déclarés tels par la souscription du secrétaire.

Le premier représente les trois volumes de la tenue sous Paul III. L'abréviation consiste à retrancher les pièces superflues, et principalement à supprimer le détail des votes, dont on enonce seulement le resultat. Comme il n'a été fait rien d'utile à Boulogne, on se contente de rapporter les sessions et les décrets de prorogation, qui y furent publiés.

Le volume deuxième est un sommaire de la tenue sous Jules III. renfermée aussi, comme il a été dit, dans un seul volume ; mais cet autre, d'un format plus petit a environ un tiers de moins de feuillets : il paroît, que l'on s'étoit proposé de faire la même opération à l'égard de la tome troisième, cela resulte de certains volumes, qui se trouve aux archives, reliés en simple carton, et qui contiennent deux rédactions projetées par Massaret, l'une plus étendue, qu'il appelle *in primâ formâ*, l'autre plus courte, qu'il nomme *in secundâ formâ*. Il propose d'examiner laquelle des deux est préférable, et l'on voit aussi qu'alors, il étoit question d'imprimer. On n'a pas tardé à renoncer à cette dernière idée et l'on s'en est tenu à la première rédaction, c'est-à-dire, à la rédaction complète et étendue, estimant peut-être que l'autre rédaction l'abrégée seroit bien supplée par un dernier volume, la plus authentique de tous, et dont il nous reste à parler.

Ce volume de 477 feuillets contient uniquement les sessions tenues sous Paul III, Jules III, et Pie IV, sans les congrégations, qui font toute la longueur, mais aussi tout l'essentiel des actes.

Il est en parchemin, muni à chaque session de la souscription du secrétaire, et à la fin des signatures originales, tant des légats que de tous les pères du concile.

La souscription de Massaret est ainsi conçue. " Ego " Massarettus, - - - a principio usque ad finem ipsius " concilii, tam sub Paulo III, quam Julio III, et Pio IV.

“ *summis pontif. celebrati, semper ei interfui et præsens*
 “ *fui, ac ea omnia, quæ in eo acta et gesta sunt adnotavi,*
 “ *et in notam sumpsi : ideo in omnibus sessionibus supra*
 “ *descriptis, prout etiam hac manu meâ propriâ sub-*
 “ *scripsi, in fidem et testimonium. Laus Deo, amen.*”

Il résulte de tout ce qu'on vient de voir, que ces actes du concile, rédigés par Massaret, ne sont point, à proprement parler, un proces verbal, tel qu'on le feroit aujourd'hui ; c'est-à-dire, un rapport dressé au moment même de l'action ou immédiatement après ; mais plutôt, une histoire composée à une assez grande distance, des faits d'après. Des *notes*, il est vrai, prises dans le tems, par un témoin présent, et, à ce qui paroît avec beaucoup d'exactitude, autant qu'on en peut juger, par les actes mêmes, ainsi que par un *diarium*, que l'on voit aux archives et sur lequel Massaret inscrivait jour par jour, tout ce que se faisoit au concile.

Ce qui contribue à diminuer la foi que peut mériter une pareille pièce, c'est, en premier lieu, qu'elle n'a jamais été soumise à la vérification des légitimes contradicteurs, c'est-à-dire, des pères du concile ; qui devoient sçavoir mieux que personne, ce qui s'y étoit passé, et auxquels elle n'a jamais été lue, pour être approuvée par eux, ne l'ayant pas même été par les légats, présidens du concile, qui se sont contentés de certifier par un diplôme, que le secrétaire Massaret, ainsi que les deux notaires, étoient d'honnêtes gens et d'une réputation distinguée : “ *fuisse et esse bonæ et*
 “ *laudabilis vitæ et honestatis, ac celebris famæ viros ;*” nous lisons cette attestation en tête du volume, qui contient ce qui s'est fait à Boulogne.

C'est en second lieu, que ces prétendus actes, que l'on se proposoit d'imprimer, non seulement n'ont pas été mis en fumière, et exposés aux regards du public, dans le tems où le souvenir, reçu des faits et la présence des témoins, pouvoient en garantir ou accuser la fidélité ;

mais ont été condamnés, dès leur naissance, aux plus profondes ténèbres ; y sont restés ensévelis pendant 290 ans, et probablement n'en seraient jamais sortis, si un événement tout à fait extraordinaire, et auquel assurément on n'avoit pas lieu de s'attendre, ne les avoit remis sur la possession du public.

Toutes ces réflexions sont fondées, et comme il est certain que rien ne se faisoit à Trente qui n'eut été arrêté à Rome, et dont on ne rendit compte au pape immédiatement, je crois bien que tout homme, qui voudra connoître au vrai l'histoire du concile de Trente, aimera mieux la chercher dans la correspondance du pape avec les légats, et des légats avec le pape, qui se trouve également aux archives impériales avec beaucoup de pièces y relatives, que dans les actes de Massaret.

Néanmoins ces actes auront toujours leur mérite, pour rectifier une date, circonstancier un fait, et démêler une multitude de choses, qui tiennent à la vérité de l'histoire. Massaret paroît avoir été réellement un honnête homme, comme l'attestent les légats. Son travail porte le caractère d'une grande exactitude.

To ascertain the construction and operation of the canons of the council of Trent, Pope Pius IV, and St. Pius V. established a congregation of cardinals. It has subsisted since that time, and meets generally twice in every month. A collection of its sentences has recently been published by D. Zamboni, in 8 volumes 4to. at Rome, with the title, " *Collectio Declarationum Congregationis Concilii Tridentini.*"

NOTE IV ; referred to in p. 306.

ABBE MANN'S ACCOUNT.

A Summary View of the English Religious Establishments on the Continent, under the Heads of the different Orders to which they belonged.

I.—*Secular Clergy.*

1. The English college of secular clergy at Douay, established anno 1568 ; removed to Rheims from 1578 to 1593, when it returned back to Douay.
2. The English college at Rome for the education of secular clergy, established in 1578.
3. A seminary at Valladolid in Spain, established for the same purpose about 1580.
4. College at Rome, about 1578.
5. A seminary at Seville, ditto.
6. A seminary at Madrid, ditto.
7. The English seminary at Paris, founded about the year 1600.
8. The English college at Lisbon, founded 1622.
9. A school for boys of the lower classes at Esquerchin near Douay, about 1750.
10. The jesuits college at St. Omer's came into the hands of the secular clergy in 1764.

II.—*Jesuits.*

1. The college at St. Omer's, founded in 1594, removed to Bruges 1764, suppressed 1773.
2. The noviciate at Watten, near St. Omer's, 1611 ; removed to Ghent 1765.
3. The college at Liege, established in 1616 ; turned into an academy for youth 1773.
4. The professed house of jesuits at Ghent, 1662 ; suppressed 1773.

Besides these, the jesuits had the direction of the Roman college, and of the three seminaries in Spain; they had also houses of missionaries in Maryland.

Jesuitesses established at St. Omer's 1608; removed to Liege 1629, and soon after to Munich.

III.—*Benedictines; Men.*

1. The abbey of Lamspring, in the bishopric of Hildesheim, four leagues south of the city of that name.
2. The priory at Douay, given them by the abbey of St. Vaast in 1604.
3. The priory of Dieulwart in Lorraine, 1606.
4. The priory of St. Malo's, 1611; removed to Paris 1642.
5. Schools for youth at La Celle in Brie, dependent upon the priory at Paris.

Women.

1. Abbey at Brussels, established in the year 1598.
2. Abbey at Cambray, in 1623.
3. Abbey at Ghent, 1624.
4. Abbey at Paris, 1651.
5. Abbey at Pontoise, 1652.
6. Abbey at Dunkirk, 1662.
7. Abbey at Ypres, a filiation from that of Ghent in 1665; given over to Irish nuns, part whereof went to Dublin in 1685 or 1686; the rest remained at Ypres till 1794.

IV.—*Carthusian Monks.*

The monastery of Shene, near Richmond in Surry, founded by king Henry the fifth in 1416; retired to Bruges in 1559; next to Louvaine in 1578; then to Mechlin in 1591; and finally settled at Nieuport in Flanders 1626, till their suppression in 1783.

V.—*Bridgettine Nuns.*

They were founded at Sion, in Middlesex; and in 1559 left England, and afterwards retired to Lisbon, where they still remain.

VI.—*Women of the Order of St. Augustine.*

1. A priory of canonesses of St. Augustine, established at Louvaine in the year 1609.
2. A priory of the same at Bruges in 1629.
3. Another at Paris in 1633.
4. A convent of canonesses of the holy sepulchre at Liege.

VII.—*Dominican Friars.*

1. A convent of Dominicans at Bornheim on the Scheldt, between Ghent and Antwerp, 1658.
2. A college of Dominicans in Louvaine, dependent on the convent of Bornheim.

Women.

3. A convent of Dominican nuns at Brussels, established in 1690.

VIII.—*Franciscan Friars.*

1. A convent of English Recollects, founded in Douay 1617.

Women of the Order of St. Francis.

1. A convent of poor Clares at Gravelines, 1603.
2. A convent of the same, called Colletines, at Rouen, 1648.
3. A convent of poor Clares at Dunkirk, 1652.
4. A convent of Conceptionists, in Paris, 1658.
5. A convent of nuns of the third order of St. Francis, at Bruges, 1658.
6. A convent of poor Clares, at Aire, in Artois, 1660.

IX.—*Carmelites, or Teresians; Men.*

A convent established at Tongres, about the year 1770.

Women.

1. A convent of Teresian nuns at Antwerp.
2. Another at Lier in Brabant.
3. Another at Hoogstraete, in the north of Brabant.

NOTE V; referred to in p. 426.

The Publication, by the authority of Government, of the Six Questions on the Pope's Deposing Power; and the Answers of the Twelve Priests to them.

" A particular Declaration or Testimony, of the undutifull and traitorous affection borne against her Majestie by Edmond Campion, jesuite, and other condemned priestes, witnessed by their owne confessions: in reproofe of those slanderous bookes and libels delivered out to the contrary by such as are maliciously affected towards her Majestie and the State.*

"Published by authoritie. Imprinted at London by Christopher Barker, printer to the Queen's most excellent Majestie, An. Do. 1582. Motto, 1 Peter ii. 13. Submit, &c."

[On the back of this page the arms of the queen are engraved:—On the opposite page the following address begins:]

"To all her Majestie's good and faithfull subjects.

"ALTHOUGH the course of proceeding in the late inditement, arraignment, tryall, judgement, and exe-

* In a manuscript letter (a copy of which is now before the writer) from cardinal Allen to Agazarius, rector of the English college at Rome, the cardinal requests him to have this document translated

“ cution of Edmond Campion and others, being as well
“ upon sundrie of their writings, letters, and confessions,
“ as also upon other good and manifest proves, found
“ guilty of high treason, was such, as ought in trueth
“ and reason to satisfie all indifferent persons and well-
“ affected subjectes, to whome her majestie’s merciful
“ and gracious inclinations towards offenders is so
“ well known; yet hath it bene found that some dis-
“ loyall and unnaturall subjects have untruely spread
“ abroad sundry rumours and reportes, and have pub-
“ lished divers slanderous pamphlets and seditious
“ libels, as well in this realme, as in foraine partes, in
“ sundry strange languages, in excuse and justification
“ of the said traytours so justly executed, with purpose
“ to defame her majestie’s honourable course of justice,
“ so much as lieth in them, setting out those con-
“ demned persons as men of singular vertue and holi-
“ ness, and as her highnesse’s true, loyal, devote, and
“ obedient subjects, and in no wise spotted with any
“ staine of ill-disposed affection towards her majestie,
“ being not otherwise to be charged, then with certaine
“ points of religion that concerneth only matters of con-
“ science, that were no way prejudicial to her majestie’s
“ state and government, with divers like untruthes,
“ which are ment shall bee hereafter answered more at
“ large, whereby both the malice of the writers may
“ be made knowen to the worlde, and her majestie’s
“ most mercifull and gracious government may bee pre-
“ served from the malice of such unnaturall and undu-
“ tiffull subjects. In the mean time, notwithstanding

into the Italian language, “ that the world might clearly see the causes
“ of the persecution of the English catholics, and how much, in the
“ cause of religion, they had gained over their adversaries, as these
“ openly professed that the catholics suffered death, not for faith,
“ but the bull of Pius the fifth, and other writings.”—An important
observation; the reader will immediately perceive its bearings.

“ the lords and others of her majestie’s most honourable
“ privie counsell, being desirous that the dutifull sub-
“ jectes may bee preserved from the undermyning of
“ such seditious slanderers, whereby otherwise they
“ might happely by such wicked illusions be carried
“ into some hard conceites, touching the due and law-
“ full proceeding against the sayde traytours: have
“ found it very expedient, that as well certaine confes-
“ sions taken of the said Campion and others before
“ his arraignment, as also certaine answeres lately made
“ to certaine articles propounded to those that were
“ at the same time condemned of high treason, but yet
“ spared from execution, should bee published truly
“ and sincerely, in such precise forme of words, as the
“ same have bene acknowledged and subscribed, not
“ onely with the proper hands of certaine persons of
“ publique calling and credite that were present at their
“ examination, and have subscribed thereunto, but also
“ with the proper hands of the offenders themselves
“ (Harte only excepted), as appeareth by the originals
“ extant to be shewed; whereby it may be most evi-
“ dently seene, even by themselves still persisting in
“ their most trayterous affection, how untruely the said
“ persons are reported to have been, and to bee true
“ and faithfull subjects in matter of her majestie’s estate
“ and crowne, and howe justly they were condemned
“ for treason, and not for points of religion, being
“ those, that having bene by her majestie’s clemencie
“ so long spared upon hope of repentance, continue yet
“ still in such trayterous disposition of heart towards
“ her highnesse, two of them only nowe acknowledging
“ their true duetie of allegiance, though in pointes of
“ religion not reconciled, as also one other, named
“ Edward Rishton, that did before, openly at the barre
“ at the time of his arraignment (varying from Campion
“ and the rest of his fellowes therein), acknowledge his

“ said duetie and allegiance to her majestie : towards
“ whom (to thend it may appeare unto the worlde that
“ the said Campion and the rest that were executed;
“ were not put to death for points that concerneth mat-
“ ters of conscience, but for treason :) her majestie doth
“ meane to extend her grace and mercie, hoping that
“ as it hath pleased God to frame their consciences to
“ acknowledge towards her that duetie of allegiance
“ that by the lawes of God and man they owe unto her
“ as their most lawful prince and soveraigne ; so he
“ will hereafter open their eyes to see howe dangerously
“ they have bene hitherto, through false and erronious
“ doctrine, seduced, as well in matters concerning their
“ dutie towards God, as in their allegiance towards
“ their prince. It is also looked for, that all such as
“ make profession to bee dutifull and well-affected sub-
“ jects, howsoever they be affected in religion, seeing
“ the most dangerous and pernicious opinions that are
“ helde and maintained by these jesuites and seminary
“ men sent into this realme, will hereafter, as wel in
“ respect of the duety they owe unto her majestie, as
“ for the care they ought to have, as good members of
“ this realme, to preserve the tranquillitie thereof, as a
“ thing that importeth every man’s particular duety, not
“ only refuse to receive and harborough such disloyall
“ persons, but also doe their uttermost indeavour to
“ apprehend them, and to present them to justice,
“ whereby they may receive such condigne punishment
“ as is meete to bee inflicted upon disturbers of the
“ publike peace in realmes and kingdomes.”

Here the address closes : it is immediately followed by the ensuing extracts from the works of Dr. Sanders and Dr. Bristow.

D. Sanders de visibili monarchia, lib. 7, p. 730.

“ Dr. Sanders reporteth, that in the yeere 1569, Pius
 “ quintus Pontifex Maximus (the pope) sent Nicholas
 “ Morton, Englishman, doctor of divinitie, into England;
 “ to admonish certaine catholique noblemen, Elizabetham
 “ quæ tunc rerum potiebatur, hæreticam esse : ob eam-
 “ que causam omni dominio & potestate, quam in catho-
 “ licos usurpabat, jure ipso excidisse, impunèque ab
 “ illis velut ethnicam & publicanam haberi posse, nec
 “ eos illius legibus aut mandatis deinceps obedire cogi.
 “ Which is to say, That Elizabeth, which then governed,
 “ was an hereticke, and for that cause hath by very
 “ law lost all dominion and power which she usurped
 “ over the catholiques, and may freely be accompted
 “ by them as a heathen and publicane, and that they
 “ are not from thenceforth bounde to obey her lawes or
 “ commandements.

“ Whereupon he sayth, that many noble men adven-
 “ tured to deliver their brethren, ab hereticorum tyran-
 “ nide, from the tyrannie of the heretiques. And
 “ although things fell not out to their expectation, yet
 “ he sayeth, Illorum nobilium laudanda consilia erant,
 “ quæ certo suo, eoque felici successu non caruerunt.
 “ Quanquam enim omnium fratrum suorum animas, e
 “ schismatis puteo educere non potuerunt, tamen & ipsi
 “ fidem catholicam egregiè confessi sunt, & multi eorum
 “ animas pro fratribus (qui summus est charitatis gradus)
 “ possuerunt, & reliqui seipsos, tum ex hæreseos, tum
 “ ex peccati servitute in libertatem vendicarunt eam,
 “ qua Christus nos liberavit. That is to say, The pur-
 “ poses or endeavors of these noblemen were to be
 “ prayed, which wanted not their certaine and happy
 “ successe. For though they were not able to drawe the
 “ soules of all their brethren out of the pit of schisme,
 “ yet both they themselves nobly confessed the catho-

“lique faith, and many of them gave their lives for their
“brethren, which is the highest degree of charitie, and
“the rest of them reskued themselves from the bondage
“both of schisme and of sinne, into that freedom,
“wherewith Christ hath made us free.”

“*Bristowe in his Booke of Motives, published with
“allowance of Dr. Allen, in the 15th motive, fol. 72,
“c. 73.*

“For a full answer to them all, although the very
“naming of our catholique martyrs, even of this our
“time, to any reasonable man may suffice, as the bishop
“of Rochester, sir Thomas Moore, the monks of the
“Charterhouse, with many more under king Henry :
“and now of late time, all our holy martyrs that have
“been and dayly are made, by losse of their livings,
“by poyson, by whipping, by famishing, by banish-
“ment, bishops, priests, deanes, archdeacons, canons,
“ecclesiasticall persons of all sortes, knightes, es-
“quires, gentlemen, laymen of all sortes ; so many
“likewise that have openly suffered, the good earl of
“Northumberland, D. Storie, Felton, the Nortons,
“M. Woodhouse, M. Plumtree, and so many hundreths
“of the northernmen : such men, both in their life and
“at their death, as neither the enemies have to stayne
“them, as their owne consciences, their owne talke, and
“the worlde itselfe doeth beare good witnesse : many
“of them also, and therefore all of them (because of
“their owne cause), being by God himselfe approved
“by miracles most undoubted. Although, I saye, no
“reasonable man will thinke those stinking martyrs of
“the heretiques, worthy in any respect to be compared
“with these most glorious martyrs of the catholiques,
“yet supposing,” &c.

* *Sanders, lib. 7, p. 732.*

“Speaking of the northern commotion, he saith,
 “Certè quidem illud miraculo imputetur necesse est,
 “quod cum viri fere quingenti ex iis, qui arma pro fide
 “sumpserunt, ab hæreticis capti, & morte affecti essent,
 “nemo illorum repertus sit, qui aut fidem catholicam
 “deseruerit, aut belli ejus authores alicujus culpæ accu-
 “sarit. That is to say, Verely, this must needs be im-
 “puted to a miracle, that whereas nere five hundred
 “men of those that tooke armes for the faith, were
 “taken and put to death by the heretiques, yet there
 “hath not bene founde any one of them, which hath
 “either forsaken the catholique faith, or hath accused
 “of any blame the authors of that warre.

“And a little after, *Nobile etiam martyrium in eadem*
causâ subierunt duo viri nobiles de familia Norton-
orum, ex quibus alter dicebatur Thomas Nortonus,
alter verò Christopherus, & Christopherus quidem
Thome nepos erat ex fratre, ille autem huic patruus.
Qui ambo nec à fide sua dimoveri, nec ut Elizabetham
confiterentur legitimam reginam adduci potuerunt, &c.
 “That is to say, There suffered also a noble martyrdom
 “in the same cause, two worshipfull gentlemen of y^e
 “house of Nortons, of whome the one was called Thomas
 “Norton, the other Christopher, and Christopher was
 “Thomas his brother’s sonne, and Thomas was Chris-
 “topher’s uncle, which both could neither be removed
 “from their faith, nor be brought to confesse Elizabeth
 “to be lawfull queene.”

Sanders, lib. 7. p. 734.

“After a long recitall of the causes that moved Pius
 “quintus to excommunicate her majesty, he sayth, *De*
 “*apostolicæ potestatis plenitudine declaravit, prædic-*

* See Strype’s *Life of Archb. Parker*, l. iv. c. 15.

“ tam Elizabetham hæreticam & hæreticorum fautricem,
 “ eique adherentes in prædictis anathematis sententiam
 “ incurrissæ. Quin etiam prætenso regni prædicti jure,
 “ necnon omni & quocumque dominio, dignitate, privi-
 “ legioque privatam. Itemque proceres, subditos & po-
 “ pulos dicti regni, ac cæteros omnes qui illi quomo-
 “ docunque juraverant, a juramento hujusmodi, ac omni
 “ prorsus dominii, fidelitatis & obsequii debito, perpetuò
 “ absolutos, prout illos tunc sententiæ suæ autoritate
 “ absolvit; & privavit eandem Elizabetham prætenso jure
 “ regni aliisque omnibus supradictis: præcepitque & in-
 “ terdixit universis & singulis proceribus, subditis, po-
 “ pulis & aliis prædictis, ne illi, ejusve monitis, mandatis
 “ aut legibus auderent obedire. Qui secus agerent, eos
 “ simili anathematis sententia innodavit. That is to
 “ say, Of the fulnesse of apostolike power, hath de-
 “ clared the said Elizabeth an hereticke, and a favourer
 “ of heretiques, and that such as adhere to her in the
 “ premisses, have incurred the sentence of anathema
 “ accursed. Moreover, that she is deprived of her pre-
 “ tensed right of the said kingdom, and also of al and
 “ whatsoever dominion, dignitie, and priviledge. Fur-
 “ thermore, that the nobles, subjects, and peoples of
 “ the said realme, and all other which any wise whatso-
 “ ever have taken othe unto her, are assoyled for ever
 “ from such othe, and utterly from all duetie of alle-
 “ geance, fidelitie, and obedience, even as he then
 “ assoyled them by authoritie of his sentence, and
 “ deprived the same Elizabeth of her pretended right
 “ of the kingdom, and all other things above sayd.
 “ And he hath commaunded and forbidden all and
 “ every the nobles, subjectes, peoples, and other afore-
 “ sayde, that they be not so bold to obey her, or her
 “ advertisements, commaundements, or lawes: and who-
 “ soever otherwise do, he hath bounde with like sen-
 “ tence of curse.”

Bristowe in his 6th Motive, fol. 31.

“ Whereby it is manifest, that they do miserably
 “ forget themselves, who feare not excommunications
 “ of Pius quintus of holy memory, in whome, Christ
 “ himselfe, to have spoken and excommunicated as in
 “ Saint Paul, they might consider by the miracles that
 “ Christ by him as by Saint Paul did worke.”

In his 40th Motive, under the title, Obedient Subjectes.

“ And if at any time it happen, after long toleration,
 “ humble beseeching, and often admonition of very
 “ wicked and notorious apostates and heretiques, no
 “ other hope of amendement appearing, but the filthie
 “ daily more and more defiling himselfe and others, to
 “ the huge great heape of their owne damnation, that
 “ after all this soveraigne authoritie of our common
 “ pastor in religion for the saving of soules do duely
 “ discharge us from subjection, and the prince offender
 “ from his dominion: with such grieve of the heart it is
 “ both done of the pastor and taken of the people, as if
 “ a man should have cut off from his bodie, for to save
 “ the whole, some most principall but rotten part
 “ thereof.”

Sanders, lib. 7. fol. 744.

“ Under this title, Insigne martyrium Johannis Fel-
 “ toni. The honourable martyrdome of John Felton, &c.
 “ he sayth of Felton in this manner. Is enim, catholicæ
 “ fidei studio zeloque adductus, cum penè desperatam
 “ patriæ suæ valetudinem non nisi acerbissima aliqua
 “ medicina restitui posse animadverteret, noluit com-
 “ mittere, ut hæc sententia summi pastoris cives ac
 “ proximos suos lateret. That is to say, For he, led
 “ with the love and zeale of the catholique faith, when
 “ he saw, that the (in a maner) desperate health of his

“ countrey could not be restored, but by some most
 “ bitter medicine, would not suffer that this sentence of
 “ the sovereigne pastors should be hidden from his coun-
 “ treymen and neighbours.

“ And after the further report of his facte, thus, Cum
 “ vero de hac re diligentissime quereretur, Johannes
 “ Feltonus tandem apprehensus, dignum se Jesu Christi,
 “ & primatús ab eo instituti testem exhibuit.

“ But when most diligent inquirie was made thereof,
 “ John Felton being at length apprehended, showed
 “ himselfe a worthy witness of Jesus Christ, and of the
 “ supremacie by him ordayned.

“ Under this title: *Illustre martyrium Johannis Storei,*
 “ *Angli, &c.* The noble martyrdome of John Storey,
 “ *Englishman, &c.* Anno autem Domini 1571, 25 die
 “ *mensis Maii*, productus in iudicium, perduellionis reus
 “ peragitur, veluti qui conjurationem cum certis viris
 “ apud Belgas in civitate Antwerpiensi contra Eliza-
 “ betham inivisset, religionemque schismaticam qui jam
 “ in Anglia regnat, in catholicam commutare tentasset.
 “ Facta vero pro se dicendi potestate, fori tantum ex-
 “ ceptionem proposuit, negans iudices ipsos ullam in
 “ se potestatem habere, qui jam non Anglicanæ principi,
 “ sed potius regi catholico subjectus esset.

“ That is to say, In the year of our Lord 1571, the
 “ twenty-five day of the moneth of May, being brought
 “ to the barre, hee was arraigned of hie treason, as he
 “ had conspired with certayne men in the Lowe Coun-
 “ trey, in the citie of Atwerpe, against Elizabeth, and
 “ had attempted to change the schismatical religion
 “ which now reigneth in England, into the catholique
 “ religion. Being permitted to speak for himselfe, he
 “ only pleaded to the jurisdiction of the court, denying
 “ that the judges themselves had any power over him,
 “ which was now no subject to the English queene, but
 “ rather to the king catholique.

" And after further discourse of the speech of Dr.
 " Storey, and of his condemnation, hee addeth thus :
 " Storæus autem biduo post, cum ad uxorem Louanii
 " agentem scriberet, deque hujus sententiæ injustitiâ
 " quereretur: significavit perfacile sibi fuisse, si apud
 " alios judices actum esset, id quod de conjuratione
 " contra Elizabetham facta objiciebatur confutare. Cujus
 " rei testes citabat illos ipsos, quibuscum Antuerpiæ hac
 " de re egisse dicebatur. Verum quia hoc quod probe
 " sciret nescire non posset, integrum sibi non fuisse aliter
 " causam dicere quàm dixisset. Intellexit vero probe
 " se scire, prætensam Angliæ reginam per declaratoriam
 " summi pontificis sententiam ob hæresim manifestam
 " omni jure regni, dominioque privatam esse, ac prop-
 " terea magistratum nullum ab illâ creatum, eique ad-
 " hærentem a se agnosci posse, ne forte ipse etiam
 " eodem anathemate innodaretur.

" That is to say, Storie two dayes after, writing to his
 " wife, who remayned at Lovaine, and complaining of
 " the injustice of this sentence, he advertised her that
 " he could easily (if the matter had been tryed before
 " other judges) confute what was objected to him,
 " touching the conspiracie made against Elizabeth,
 " whereof he alleadged for witnesses, those with whome
 " he was sayd to have dealt at Antwerpe about this
 " matter: but because he could not be ignorant of that
 " which he well knew, he could not otherwise plead than
 " he had pleaded. His meaning was, that he well knewe
 " y^e the pretended queene of England, by the declara-
 " tory sentence of the pope, was for manifest heresy de-
 " prived from all right of the kingdome, and from domi-
 " nion, and that therefore no magistrate created by her,
 " and adhering to her, could be acknowledged by him,
 " least himselfe also shoulde be bounde with the same
 " curse.

" And in the ende, In ipsis ergo calendis Junii, tantus

“ Dei martyr, injectus crati, ad locum supplicii trahitur.
 “ Therefore, the first day of June, so great a martyr of
 “ God, was throwen upon a hardell, and drawn to the
 “ place of execution. And so concludeth with the re-
 “ port of his execution.”

The 1st of August 1581.

“ *Edmund Campion* being demanded whether he
 “ woulde acknowledge the publishing of these thinges
 “ before recited by Saunders, Bristowe, and Allen, to be
 “ wicked in y^e whole, or any part: and whether he
 “ doeth at this present acknowledge her majestie to be
 “ a true and lawfull queene, or a pretensed queene, and
 “ deprived, and in possession of her crowne onely de
 “ facto. He answereth to the first, that he medleth
 “ neither to nor fro, and will not further answer, but
 “ requireth that they may answer.

“ To the second he saith, that this question dependeth
 “ upon the fact of Pius quintus, whereof he is not to
 “ judge, and therefore refuseth further to answer.

“ *Edmond Campion.*

“ This was thus answered and subscribed by Edmond
 “ Campion, the day and yere above written, in the pre-
 “ sence of us,

“ Owen Hopton,
 “ Robert Beale,

“ Jo. Hammond,
 “ Thomas Norton.”

Short extracts out of Briant and Sherwin's Confessions.

“ Alexander Briant.—He is content to affirme, that
 “ the queene is his soveraigne lady, but he will not
 “ affirme that she is so lawfully, and ought to be so, and
 “ to be obeyed by him as her subject, if the pope de-
 “ clare or command the contrarie. And he saith, that
 “ that question is too high, and daungerous for him to
 “ answer.

" The 6th of May 1581, before Owen Hopton, knight,
 " John Hammond, and Thomas Norton.

" Whether the pope have authoritie to withdraw from
 " obedience to her majesty, he knoweth not.—The 7th
 " of May 1581.

" *Alexander Briant.*"

Robert Sherwin's Examination.

" Being asked whether the pope's bull of depriva-
 " tion of the queene were a lawful sentence or no, he
 " refuseth to answer.

" Being asked whether the queene be his lawful
 " soveraigne, and so ought to continue, notwithstanding
 " any sentence that the pope can give, he doth not
 " answer.

" Being againe asked whether the queene be his so-
 " veraigne, notwithstanding any sentence that the pope
 " can give, he prayed to bee asked no such question as
 " may touch his life.

" The 12 of November 1580.

" *Ralphe Sherwin.*"

Luke Kirby's Answer.

" Luke Kirbye, to the first saith, that the resolutiō of
 " this article depēdeth upon the general question,
 " whether the pope may, for any cause, depose a prince;
 " wherein his opinion is, that, for some causes, he may
 " lawfully depose a prince; and that such sentence
 " ought to be obeyed.

" To the second, he thinketh, that, in some cases, (as
 " infidelitie, or such like) her maiestie is not to be
 " obeyed against the pope's bul and sentence; for so
 " hee saith, hee hath read, that the pope hath so done,
 " *de facto*, against other princes.

" To the third, he saith, he cannot answer it.

" To the fourth, that the pope (for infidelitie) hath
 " such power as is mentioned in this article.

" To the fifth, he thinketh, that doctour *Saunders*,
 " and doctour *Bristowe*, might be deceived in these
 " poynts of their bookes; but whether they were de-
 " ceived or not, he referreth to God.

" To the last, he sayth, that when the case shall
 " happen, he must then take counsel what were best for
 " him to doe. " *Luke Kirbye.*

" John Popham,
 " Thomas Egerton,

" Da. Lewes,
 " John Hammond."

Thomas Cottom's Answer.

" Thomas Cottom.—To the first, in this, and al other
 " questions, he beleeveth as the catholique church
 " (which he taketh to be the church of Rome) teacheth
 " him. And other answer he maketh not to any of the
 " rest of these articles.

" *By me, Thomas Cottom, priest.*

" John Popham,
 " Thomas Egerton,

" Da. Lewes,
 " John Hammond."

Lawrence Richardson's Answer.

" Lawrence Richardson.—To the fifth article hee
 " answereth, that so far as doctour *Saunders*, and doc-
 " tour *Bristowe*, agree with the catholique doctrine of
 " the church of Rome, he alloweth that doctrine to be
 " true: and touching the first, and all the rest of the
 " articles, he saith, that in all matters, not repugnant to
 " the catholic religion, hee professeth obedience to her
 " maiestie, and otherwise maketh no answer to any of
 " them; but believeth therein, as hee is taught by the
 " catholique church of Rome.

" *Lawrence Richardson.*

" John Popham,
 " Thomas Egerton,

" Da. Lewes,
 " John Hammond."

Thomas Forde's Answer.

" Thomas Forde.—To the first, he saith, that he cannot answer, because he is not priuy to the circumstances of that bull ; but if he did see a bull published by Gregory the thirteenth, he would then deliver his opinion thereof.

" To the second, he sayeth, that the pope hath authority to depose a prince on certain occasions ; and when such a bull shall be pronounced against her maiestie, he will then answer, what the duty of her subjects, and what her right is.

" To the third, he saith, he is a private subject, and will not answer to any of these questions.

" To the fourth, hee sayth, that the pope hath authority, upon certaine occasions, (which he will not name) to discharge subjects of their obedience to their prince.

" To the fifth, he saieth, that doctour Saunders and doctour Bristowe bee learned men ; and whether they have taught truly in their bookes, mentioned in this article, he referreth the answer to themselves ; for himself will not answer.

" To the last, he sayeth, that when that case shall happen, he will make answer, and not before.

Thomas Forde.

" John Popham,

" Da. Lewes,

" Thomas Egerton,

" John Hammond."

John Shert's Answer.

" John Shert.—To all the articles he saith, that he is a catholique, and swarveth in no poynte from the catholique faith ; and, in other sort, to any of these articles he refuseth to answer.

John Shert.

" John Popham,

" Da. Lewes,

" Thomas Egerton,

" John Hammond."

Robert Johnson's Answers.

" Robert Johnson.—To the first, he saith, he can not
" answer.

" To the second, he cannot tell what power or autho-
" ritie the pope hath in the poynts named in this
" article.

" To the third, he thinketh, that the pope hath autho-
" ritie, in some cases, to authorize subjects to take arms
" against their prince.

" To the fourth, he thinketh, that the pope, for some
" causes, may discharge subjects of their allegiance and
" obedience to their natural prince.

" To the fifth, the answer to this article dependeth
" upon the lawfulness of the cause, for the which the
" pope hath given sentence against her; but, if the
" cause was just, then he thinketh the doctrine of doc-
" tour *Saunders* and doctour *Bristowe* to be true. Whe-
" ther the cause were just or not, he taketh not upon
" him to judge.

" To the last, he saith, that if such deprivation and
" invasion should be made for temporal matter, he would
" take part with her maiestie, but if it were for any
" matter of his faith, he thinketh, he were then bound
" to take part with the pope.

" *Robert Johnson.*

" John Popham,

" Da. Lewes,

" Thomas Egerton,

" John Hammond.'

John Hart's Answer.

" John Hart.—To the first, he saith, that it is a diffi-
" cult question, and that he cannot make answer
" thereto.

" To the second, hee saith, that her maiestie is law-
" ful queene, and ought to be obeyed, notwithstanding
" the bul supposed to be published by Pius quintus.

" But whether she ought to be obeyed and taken for
" lawful queene, notwithstanding any bull or sentence
" that the pope can give, he saith, he can not answere.

" To the third, he cannot answere, and further saith,
" that he will not meddle with any such questions.

" To the fourth, he saith, he is not resolved, and
" therefore he can not answere.

" To the fifth, he saith, he will not deale with any
" such questions, and knoweth not whether Saunders
" and Bristowe have taught wel herein or not.

" To the last, he saith, that when such a case shall
" happen he will then advise what becommeth him to
" do, for presently hee is not resolved.

" This hee did acknowledge to us, after hee had fully
" perused the same, but refused to subscribe to it.

" John Popham.

" Da. Lewes.

" Thomas Egerton.

" John Hammond."

Then followeth,

William Filbee his Answere.

" William Filbee.—To the first, he saith, the pope
" hath authoritie to depose any prince; and such sen-
" tences, when they bee promulgated, ought to be
" obeyed by the subjects of any prince; but touching
" the bul of *Pius quintus*, he can say nothing; but if
" it was such, as it is affirmed to be, he doth allow it,
" and saith that it ought to be obeyed.

" To the second, he saith, it is a hard question, and,
" therefore, he cannot answere it; but upon further
" advertisement, he answereth, as to the first.

" To the third, he knoweth not what to saye there-
" unto.

" To the fourth, hee sayeth, that so long as her
" maiestie remaineth queen, the pope hath no authoritie
" to warrant her subjects to take armes against her, or

“ to disobey her; but if he should depose her, then he
 “ might discharge them of their allegiance and obediēce
 “ to her maiestie.

“ To the fifth, he sayth, he will not meddle with the
 “ doctrine of doctour Saunders and doctour Bristowe.

“ To the last, when this case happeneth, then he
 “ sayeth he will answere; and if he had been in Ireland
 “ when doctour Saunders was there, he would have
 “ done as a priest should have done, that is, to pray
 “ that the right may have place.”

James Bosgrave his Answere.

“ James Bosgrave.—To the first he sayeth, that in
 “ his conscience, and as hee shall answere before God,
 “ he thinketh that the bull or sentence of excommu-
 “ nication of Pius quintus against her majestie, was at
 “ no time lawfull, neyther was at any time, or is of any
 “ of her majestie’s subjects to be obeyed.

“ To the second he sayeth, that her majestie is law-
 “ full queene of this realme, and so ought to be taken,
 “ notwithstanding any bull or sentence that the pope
 “ eyther hath, can, or shall hereafter give.

“ To the third, he thinketh the pope had no power or
 “ authoritie to license the earles of Northumberland and
 “ Westmerlande, or any other of her majestie’s subjectes;
 “ to rebel or to take armes against her majestie: and
 “ like hee saith of doctour Saunders: but he holdeth
 “ doctour Saunders, and all other that shall, upon such
 “ warrant, take armes against her majestie, to bee tray-
 “ tors and rebels.

“ To the fourth, hee sayeth, that the pope neither
 “ hath, nor ought to have, any authoritie to discharge
 “ any of her majestie’s subjects, or the subjects of any
 “ other christian prince, from their allegiance, for any
 “ cause whatsoever, and so he thinketh in his con-
 “ science.

“ To the fifth, hee affirmeth in his conscience, that
 “ doctour Sanders and doctour Bristowe, in bookes
 “ here mentioned, and touching the poynt here speci-
 “ fied, have taught, testified, and maintained an untrueth
 “ and a falsehode.

“ To the last, he sayeth, that whatsoever the pope
 “ should doe, he would in this case take part with her
 “ majestie against the pope, what cause soever he would
 “ pretend, and this he taketh to be the duety of every
 “ good subject. And this to bee his opinion in all the
 “ pointes above recited, he wil be ready to affirme upon
 “ his oth.

“ *James Bosgrave**.

“ John Popham,

“ Da. Lewes,

“ Thomas Egerton,

“ John Hammond.”

Henry Orton's Answer.

“ Henry Orton.—To the first he sayth, that he think-
 “ eth the bull of Pius quintus was at no time a lawfull
 “ sentence, or of force to binde any of her majestie's
 “ subjects, and that notwithstanding, her majestie was
 “ and is to be obeyed by every of her subjects.

“ To the second, he thinketh that her majestie is to
 “ be holden for lawfull queene of this realme, and ought
 “ to be obeyed by all her subjects, notwithstanding any
 “ thing that y^e pope eyther hath done, or can doe.

“ To the third, he thinketh the pope neither hath
 “ nor had authoritie to warrant any of the persons
 “ here named, to doe as they have done, or any other
 “ of her subjects, to take armes against her majestie,

* He afterwards retracted his answer to the last question, in a letter which he addressed to the warden of the Tower, and desired him to deliver to the lords of the privy council : he was careful that his fellow prisoners should be apprised of this retraction. This is mentioned in a manuscript letter of cardina^y Allen, which has been communicated to the writer.

“ and that those which have taken armes against her,
“ upon that, or the like warrant, have done unlawfully.

“ To the fourth, he thinketh the pope hath no authoritie to discharge any subject from his allegiance and obedience to his prince.

“ To the fifth, he thinketh that D. Saunders and D. Bristowe have, in the poyntes mentioned in this article, taught and maintayned an untrueth and a falshood.

“ To the last, he sayth, that in the case here supposed, he would take part with her majestie against the pope, or any other invading the reaulme by his authoritie.

“ *Henry Orton.*

“ John Popham,

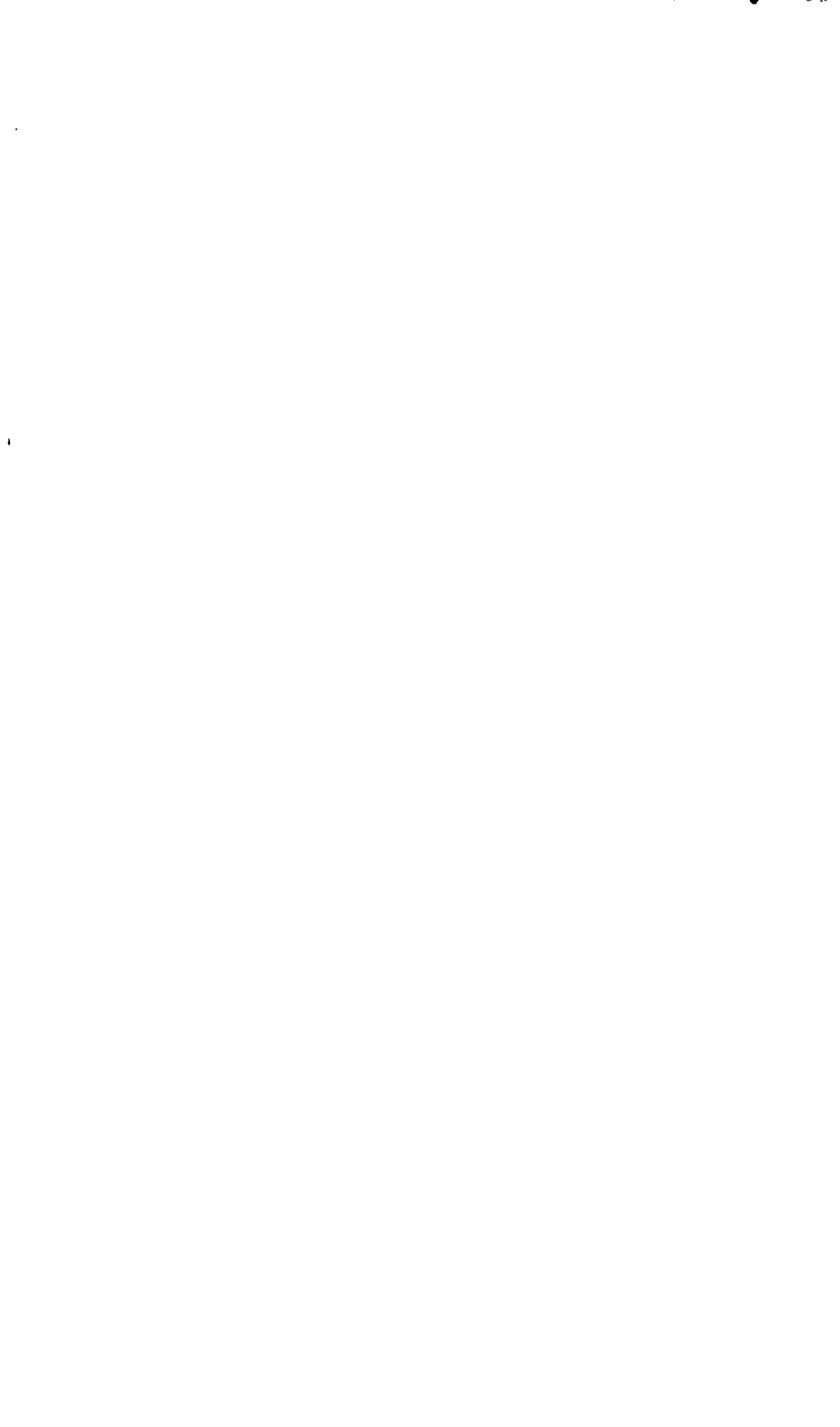
“ Da. Lewes,

“ Thomas Egerton,

“ John Hammond.

“ Imprinted, &c. as in the title-page.”

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